

RESEARCH ON INFORMAL WORKERS AND SOCIAL DIALOGUE

UGANDA CASE STUDY

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EXECUTIVE SUMMARY

This research encompasses an in-depth analysis of the political engagement of boda boda drivers in Uganda as a case study in order to gain an understanding of the social dialogue (SD) mechanisms, the bargaining strategies adopted and their impact on the livelihoods of informal workers. Boda bodas are motorcycle riders who provide taxi services using their motorcycles. The research was commissioned to take stock and investigate in which ways issues of informal workers are addressed in social dialogue mechanisms and whether labour organisations have made progress in obtaining a common floor in the labour market and more redistributive policies. The research covers Kampala City and its surrounding areas. The researcher adopted qualitative methods, using both primary and secondary data and stakeholder observations to gather analysis information.

The study reviews and undertakes a comprehensive analysis of the social dialogue framework in Uganda. Document analysis examines the laws and legislations in place, including the ones that resulted from the social dialogue processes, reports of trade unions, media outputs concerning the SD and its impact upon others. Interviews with key stakeholders gathered information on perceptions regarding the dialogue framework and its effectiveness, including implementation of agreements/positions taken during the dialogue process and recommendations on how to improve the dialogue framework, and make it more representative, especially for the informal sector, and efficient in terms of implementation.

Boda boda operations originated from the Uganda-Kenya border zone, hence their Ugandan name boda-boda (border-to-border). The boda boda business has made a positive contribution to Uganda in terms of the flexibility it brings to transport people. In spite of the positive contributions of boda bodas, a number of challenges have also emerged, especially regarding the safety of both passengers and riders. The increased use of boda bodas has resulted in increased road accident rates with injuries acquired due to lack of helmets as a safety measure. There has been low compliance with traffic rules and regulations among boda boda riders.

The overall employment regulation in Uganda recognises boda boda riding as an economic activity in which a person (worker) earns his or her livelihood. The laws

and regulations governing the boda boda operators are usually enforced by the Uganda Police Force (UPF). Key among the laws are; the Employment Act 2006, Occupational Safety and Health Act, 2006 (Act No. 9), Traffic and Road Safety Act (1998), The Traffic and Road Safety (Motorcycles) Regulations, 2004 and Traffic and Road Safety (Motor Vehicle Inspection) Regulations (2016). The Traffic Act of 1998 gives the Ministry of Works and Transport powers to make regulations for the purpose of giving full effect to it.

The operation of boda bodas in Uganda is not well regulated and is usually dominated by players with different interests and power levels. While government recognises that social dialogue is the best mechanism to promote the engagement of informal sector players, particularly the boda boda in the labour and employment relations, there has been a very low level of engagement with regard to the inclusion of boda bodas as far as the enactment of laws and regulations governing the transport sector is concerned. This is because current labour laws do not recognise informal sector players hence there is no obligation for their consultation and engagement in the process.

Social dialogue with regard to boda boda riders and social dialogue partners is a recent development, starting only in 2008 in an ad hoc manner. Since early 2000 when there was a proliferation of boda boda business, government agencies have largely not been engaging the players, except for issues to do with regulation and collection of operating fees at district levels. From 2008, the police started operations to promote compliance with traffic rules among the boda boda. These operations were on and off and often involved some form of negotiations between government and a section of boda boda associations, especially the association called Boda Boda 2010, to address the impasse created in the implementation of the regulations. In 2015, the Amalgamated Transport and General Workers' union (ATGWU), an affiliate of National Organisation of Trade Unions (NOTU), started registering boda boda associations as members. Boda boda associations therefore became affiliated to NOTU through their membership to ATGWU. In February 2015, ATGWU leaders joined hands with Kampala Capital City Authority KCCA and the Police in informal negotiations which resulted in the suspension of police

operations targeting boda boda operators not in compliance with the rules and regulations governing the sector, as well as an indefinite suspension of the plan by KCCA to ban boda bodas from operating within the city centre.

The key partners in the social dialogue mechanism include the Ministry of Gender, Labour and Social Development (MGLSD), Kampala Capital City Authority (KCCA) and the Ministry of Local Government (MLG), working at both central government and local government levels as well as boda boda associations and the police. These stakeholders have different bargaining power and strategies for engaging in the process.

While for the most part they are not satisfied with the outcome of the process, they at least appreciate that some results have been realised and are hopeful that the recognition of boda bodas as trade union members through their registration with ATGWU will improve their engagement in the social dialogue framework.

The enabling condition for social dialogue has been the efforts by NOTU and ATGWU to promote the recognition of boda boda operators as social dialogue partners and also the willingness of government to recognise them. Moreover, the boda boda ties with government also give them bargaining leverage. This is because they are seen by government as a vital part of the country's mobility/transport system and so

government, in particular the political leadership, is incentivised to engage them. Many factors have been identified as obstructing social dialogue in Uganda. For instance, the link to politicians with vested interests presents the biggest obstructing condition to social dialogue as public servants in the various MDAs (Ministries, Departments and Agencies) see it as interfering with their work by undermining constructive dialogue among the different social dialogue partners. The lack of female participation in the boda boda industry has hindered the culture of negotiations and collaborations characteristic of businesses with more female participation. Moreover, the highly informal nature of the boda boda operation set up makes it difficult to reach operators. The Ministry of Gender, Labour and Social Development (MGLSD) lacks resources to reach out and facilitate meetings. These obstacles to the social dialogue process are yet to be overcome by the social dialogue partners. However, some efforts have been put in place to mitigate these obstacles. The use of tripartite mechanism is one such intervention whereby NOTU and ATGWU as well as employers have raised the issue to MGLSD and currently, the Ministry is working on an initiative to better integrate boda bodas as informal sector players in the social dialogue mechanism. There have also been efforts by NOTU and ATGWU to promote formalisation of the boda boda sector through encouraging the formation of associations.

FOREWORD

This research was commissioned by Mondiaal FNV within the scope of their Social Dialogue programme as part of the Trade Union Cooperation Programme 2017-2020. The research project aims to take stock and investigate in which ways issues of informal workers are addressed in social dialogue mechanisms and to what extent informal workers are or can be included. To be able to distil this macro-perspective, a micro-approach was adopted by zooming in on eight case studies across the world. Each case study pursued the same research objectives and investigated the related research questions as mentioned in the introduction.

Each case study adopted a qualitative research approach looking into successful cases of “inclusive” social dialogue processes. Primary data was collected during 5 to 8 days of fieldwork and included semi-structured interviews, focus groups discussions, participant observation and in some cases participatory workshops. The primary data was contextualised via literature review as well as media and document analysis adopting a historical, political economy perspective. Following the Terms of Reference (TOR) developed by Mondiaal FNV, social dialogue and collective bargaining were defined as followed in all eight case studies:

“Social dialogue can be characterised by bipartite or tripartite bargaining and negotiation processes between government institutions, employer organisations/ employers and trade unions at four levels: internationally, nationally and at sector and company level. So, collective bargaining is seen as a part of social dialogue as well.”

Although specific attention was given to less-institutionalised forms of social dialogue by including the wide range of informal negotiation processes found in both the formal and informal economy.

The following report represents the research results of one of the eight case studies: Boda-boda (motor taxi) drivers in **Uganda** and the political tango they are in to protect their livelihoods.

The other 7 case studies are about:

- Street-vendors in **India** and their adaptations to Town-Vending Councils as new social dialogue arenas
- Indirect workers (or tercerizados) in **Colombia's** palm oil industry and their struggle for formalisation
- Domestic workers in **Peru** and their collective action towards the ratification of ILO Convention 189 (on Domestic work)
- Market- and street-vendors in **Ghana** and the initial steps made by UNIWA towards local informal workers' forums`
- Construction workers in **Rwanda** and the creation of various Memorandums of Understanding by tapping into the political priorities of the government
- Guides and porters in **Nepal's** tourism sector and the sector-wide agreements that have been accomplished
- Informal construction workers and outsourced workers in the electricity sector in **Indonesia** making slow but steady gains in an uncondusive environment

These 8 cases show us that there is not one-size-fits all when it comes to social dialogue practices of informal workers. Nevertheless, another Mondiaal FNV's research SOCIAL DIALOGUE AND INFORMAL WORKERS: WHAT WE CAN LEARN FROM 8 SUCCESS CASES summarises the overarching insights based on the comparative analysis of the eight case studies.

1. INTRODUCTION

This research encompasses an in-depth analysis of the engagement, political and otherwise, of boda boda drivers in Uganda as a case study in order to gain an understanding of the social dialogue mechanisms, the bargaining strategies adopted and their impact on the livelihoods of informal workers. Boda bodas are motorcycle riders who provide taxi services using their motorcycles. The analysis is based on how the boda boda industry relates to other players in the social dialogue mechanism, particularly on the issue of wearing helmets. The Ugandan laws require all motorcycle riders and passengers to wear helmets. This is of interest to all the players in the tripartite framework. For instance, employers are interested in using boda bodas to ease their logistical issues and transport their workers safely. The boda bodas are interested in a safe working environment where their clients feel safe and happy to use their services, which translates into more earnings. The government, on the other hand, is interested in compliance with the laws regulating the boda boda industry and the formalisation of the sector in order to bring in more revenues. There has, however, been very low compliance on the use of helmets by both boda boda riders and passengers, in spite of informal discussions among the Social Dialogue (SD) partners. Moreover, the licensing and registration of boda bodas are poor and their training on safety measures is usually minimal.

Against this background, Mondiaal FNV contracted the services of the consultant to undertake a study for the Trade Union Cooperation Program (TUCP) in Uganda. The research was commissioned to take stock and investigate in which ways issues of informal workers are addressed in social dialogue mechanism and whether labour organisations have made progress in obtaining a common floor in the labour market and more redistributive policies. The research outcome will be used as a basis for a plan for the coming 2.5 years to exchange experiences amongst partners of Mondiaal FNV in order to improve the capability of unions and informal workers organisations (IWOs) to defend the rights of informal workers through social dialogue. Between August and October 2018 the first two phases of the research were completed. The third and last stage of the research, which commenced in 30th November 2018, encompasses an in-depth analysis of the selected case study in order to gain an understanding of the Social Dialogue (SD) mechanisms, the

bargaining strategies adopted and their impact on the livelihoods of informal workers.

1.1 RESEARCH OBJECTIVES

- 1) Deepening of our understanding of the SD processes of the selected case studies:
 - a. Which social partners (SP) are involved:
 - What are their goals/interests they hope to achieve through SD?
 - Where does their bargaining power stem from?
 - b. Which bargaining strategies are adopted by each social partner
 - c. Which issues are on the SD agenda
 - Who sets the agenda?
 - Are all SP equally committed to the agenda? Who is the driving force?
 - d. What are the main obstacles to SD in the selected cases and how were they overcome?
 - e. What were the key enabling conditions which allowed SD to be effective (e.g. respect for the rule of law/institutionalisation, respect for TUs rights, well-organised labour organisations)?
- 2) Developing a list of key lessons learned that can be used as a basis for exchange activities

1.2 RESEARCH QUESTIONS

- 1) What are the political & economic reasons behind the SD process? (contextual background)
- 2) How has the SD-process evolved? (timeline of taken steps by the SP involved)
- 3) Which social partners were involved in the SD?
 - a. What are their stakes in the SD process? Which goals do they aim to achieve?
 - b. How has their agenda been set?
 - c. Where does their bargaining power stem from? (mapping the structural and associational power of the respective IWs)
- 4) What are the enabling conditions for the SD process?
- 5) Which obstructing conditions for the SD process can be identified?
 - a. How have the social partners been able to overcome the obstacles?
- 6) What has been the impact of the SD in terms of livelihoods of the respective IWs?
- 7) Which lessons can be learned from the SD process in terms of effectively including IWs in the SD process and or its outcome?

1.3 DESCRIPTION OF STUDY LOCATION

The implementation of this study commenced in December 2018, covering Kampala City and its surrounding areas. Being a city with a high level of informality, Kampala and its surrounding areas provides a representative sample which is sufficient to draw conclusions. Specifically, the researcher undertook fieldwork in the Kampala city business district. To get a better representation of semi-urban areas, the researcher also conducted fieldwork in the nearby settlements in Kira and Nansana Municipal Councils. These were identified based on availability of vibrant boda boda associations, high level of usage, proximity to Kampala City and the need to achieve a balance between urban and semi-urban/rural users of boda boda.

1.4 METHODOLOGY

The researcher adopted qualitative methods to collect data from different stakeholders from the informal sector boda boda businesses in Uganda. In the application of this method, both secondary and primary data were utilised for analysis. Under secondary data, we comprehensively reviewed the different research papers on the informal workers' participation in the economy, balance of power between the social partners i.e. employers and employees as well as structural power and the political context of informal workers' relationship with the owners of capital and clients on the one hand and the state on the other. In all these, specific focus is on boda boda use in Uganda. Other literature reviewed include: survey findings, media reports, government policies and legislations regarding road transport and particularly related to motorcycles and their implementation. The study also employed stakeholder observations as a method of gathering and analysis information. The behaviours of boda bodas as well as other social dialogue partners over the years were observed regarding consultation, negotiations, and regulations on wearing helmets as well as compliance and enforcement.

1.5 STUDY DESIGN

The study reviews and undertakes a comprehensive analysis of the social dialogue framework in Uganda. Document analysis examines the laws and legislations in place, including the ones that resulted from the social dialogue processes, reports of trade unions, media outputs concerning the SD and its impact.

Interviews with key stakeholders gathered information on perceptions regarding the dialogue framework and its effectiveness, including implementation of agreements/positions taken during the dialogue process and recommendations on how to improve the dialogue framework, make it more representative especially for the informal sector and efficient in terms of implementation.

Interviews targeted government officials, representatives of all SPs involved in the SD process and local experts in order to obtain an "outside" perspective on the social dialogue process. Finally, focus group discussions obtained information on workers' perceptions and position regarding the social dialogue framework, the peculiar issues regarding negotiations, structure and power dynamics. In addition, it gathered information on implementation and proposals for improving engagement, negotiations and efficiency of the SD mechanisms in place. It targeted informal workers and trade union members. Based on the initial literature review and document analysis, the social dialogue mechanism between boda boda operators as an informal sector player and government regarding the wearing of helmets was identified as a specific SD case for Uganda. This was made the focus of the primary data collection.

1.6 TARGET POPULATION AND SAMPLING

The survey design identifies different stakeholders in the social dialogue framework for interviews and analysis. Table 1 provides the sampled social partners for interviews and FGDs. For each case study, we purposively sampled relevant Government Departments and Agencies. These include; Ministry of Works and Transport Kampala Capital City Authority, Ministry of Gender, Labour and Social Development, Kira Municipal Council, and Nansana Municipal Council. Trade Unions/associations and employers were also sampled. These include: National Organisation of Trade Unions, Boda boda associations/riders (both members and non-members of the associations) and Federation of Uganda Employers (FUE).

Each of these involved interviews of 1 key person. 5 to 8 informal sector workers (i.e. boda boda riders and their associations) were interviewed and engaged in FGDs.

COUNTRY	AREAS	GOVERNMENT DEPARTMENTS AND AGENCIES	INFORMAL WORKERS ORGANISATIONS	EMPLOYERS
Uganda	Kampala	Ministry of Works and Transport Kampala Capital City Authority Ministry of Gender, Labour and Social Development	National Organisation of Trade Unions Boda boda associations	Federation of Uganda Employers Safe boda company
	Kira	Kira Municipal Council	Boda boda associations/riders (both members and non-members of the associations).	
	Nansana	Nansana Municipal Council	Boda boda associations/riders (both members and non-members of the associations).	

Source: author's computation from fieldwork

1.7 DATA COLLECTION INSTRUMENTS

Different instruments/tools were designed to collect data. Data were collected using actor-specific questionnaires and interview guides. Six different forms of questionnaires specific to government departments and agencies, trade unions/associations, employers and Boda boda riders are designed and used for collecting data from each social dialogue actor.

1.8 DATA ANALYSIS

Data analysis took into consideration the fact that qualitative data have been obtained from a wide range of stakeholders in the social dialogue framework, with different interests. Data were therefore analysed along themes that explain the research question and objectives. In addition, data analysis took into consideration the observations of stakeholder behaviours and perceptions over the years.

2. SUMMARY OF LITERATURE REVIEW

Boda boda operations originated from the Uganda-Kenya border zone, hence their Ugandan name boda boda (border-to-border). They used to support cross-border movements as well as trade within the border towns through the use of bicycles. There has been a proliferation of motor cycle taxis over the years since the arrival of motorised bicycles in large numbers in the 1990s (Goodfellow, 2015). This has now been the basis of boda boda operation in the country. Bishop et al (2018) observe that in rural Uganda, boda boda are between two and seven times more expensive than buses over equivalent distances, but are cheaper than private hire taxicabs. In addition, they noted that limited availability of bus and taxicab drivers increases demand for boda boda for both passenger and freight services. This increased demand motivates more players to enter the boda boda industry both as individual riders who own the motorcycles and individuals who invest in the motorcycle and assign someone else to ride at an agreed fee.

According to KCCA, boda boda operation has been on the increase in Kampala and its surrounding areas. From all the people traveling into Kampala by motorised transport, more than 80 percent use 14-seater taxis (matatus) accounting for 21 percent of the motorised trips. Private cars, account for 37 percent of all motorised trips, but transport less than 10 percent of the people. Boda bodas account for over 40 percent of the trips, but carry only 9 percent of commuters to the City. Whereas it had previously been estimated that over 150,000 motorcycles (boda bodas) operate in Kampala, the registration exercise by KCCA only recorded 67,000 motorcycles (KCCA, 2014).

A snapshot of the KCCA motorcycle registration exercise Oct 2013

REGISTERED	PRIVATE BODA BODA	12,000 54,393	100%
		YES	NO
M/cycles with logbook		69%	31%
Riders in possession of a Driving Permit		24%	76%
Riders owning a helmet		73%	27%
Riders with a PSV 17%		83%	
M/cycles with a Third Party		9%	91%

Source: KCCA (2014)

The increased use of boda bodas in Uganda has been helpful in supporting passengers to move and provides important employment opportunities for the youth, who are the majority of the population. The business has therefore greatly contributed to improved economic and social wellbeing of operators. Moreover, different members from the respective boda boda associations support each other in times of difficulties for instance through attending to a sick operator, loss of job or paying damages should an operator get caught up in an accident as well as assistance in forming associations, savings and credit facilities at affordable rates. In general terms, the operation of boda bodas has positively contributed to the transport sector by supplying a convenient, flexible, affordable and quick means of movement to people and goods (Kakembo, 2010). This view is shared by a majority of people in the city, including those who are concerned about the proliferation of boda boda operators in the city with their widespread disregard of traffic rules.

In spite of the positive contributions of boda bodas, a number of challenges have also emerged, especially regarding the safety of both passengers and riders. Craft et al (2017) observed that while a comprehensive motorcycle helmet mandate in Uganda's 2004 Traffic and Road Safety Act requires that motorcycle drivers and passengers wear helmets, enforcement has been low and helmet use in 2013 was estimated to be 46% for drivers and only 1% for passengers. Mutatina et al (2012) in a study on helmet use in motorcycle taxi operators in Kampala indicate that prevalence of observed helmet use was 30.5% among boda boda riders in Kampala. A large proportion of boda boda riders (71.1%) reported that they had helmets available for their own use. Boda bodas identified a number of barriers to helmet use. These include: helmets being uncomfortable, too heavy, and too expensive while others do not wear helmets due to concerns as to their qualities.

The low usage of helmets has greatly exposed users to health risks associated with boda boda accidents. Galukande et al (2009) observe that the injuries related to boda bodas contribute significantly to the number of road traffic injuries seen at the National Referral Hospital Mulago in Kampala. This consumes a significant portion of resources, including consumables and health workers' time.

The relationship between boda boda operators and the main regulators i.e. Kampala Capital City Authority (KCCA) is characterised by suspicion and mistrust especially among the boda bodas. As the government mandated body to administer Kampala, KCCA is at the forefront of implementing government regulations in the city. However, the boda boda operators seem not to like how KCCA regulates them and KCCA itself has been accused by stakeholders of not adequately involving them in the decisions they make in terms of administration. This makes it more difficult to have in place an effective social dialogue mechanism that involves boda bodas as a critical part of the informal sector. A Friedrich-Ebert-Stiftung (FES) report shows that efforts by KCCA to enforce regulations often lead to confrontations and a sense of livelihood insecurity to boda bodas (FES, 2017). Livelihood insecurity in this case is associated with regulations that are seen as targeting reduction and eventually abolition of the very existence of boda bodas within the city, especially the city centre, which is directly linked to reduced incomes of boda boda operators.

Goodfellow and Titeca (2012) provide a deep analysis of how political configurations subvert structures of city governance, which is in the hands of KCCA, with regard to boda boda operation in the city. With particular attention to the increasing engagement between President Museveni and particular groups of informal workers, they observe that increased political competition has created an environment where informal groups seeking to protect their livelihoods are able to tactically leverage and secure intervention from the President in their favour. This provides benefits to both the informal groups and the President himself. As for the informal groups, it helps them to evade the policies and regulations of the City Council while, as for the President, he uses it to build support in the city that was largely lost to the opposition. The already weak formal institutions for urban governance are progressively undermined by these processes and this explains the complexities public officials in KCCA face when trying to regulate boda boda operation.

Kakembo (2010) recognises that the proliferation and popularity of boda bodas brings with it a number of risks. Regulating the sector has been problematic and

compliance with the law requiring riders to wear helmets has been low. He identifies a number of recommendations particularly on the need for enforcement of policies and regulations through arrests and fines, minimising political patronage especially in cases where boda bodas are allowed to operate without regard for existing laws and in an unregulated environment simply because they are used as a political tool by the government, and a means of interference by politicians in the work by technocrats to achieve political interests. In addition, there is a need for a policy aimed at limiting old motorcycles entering the country and the number of boda bodas in the city centre.

Boda bodas are organised in associations with a huge level of political considerations as to when and how to form an association. During elections, for instance, there is usually a sudden increase of these associations, as they all compete for favours from the political parties. However, after the election period, many of those associations, created to benefit from the patronage system in the political process fade away, with only a few remaining. Fichtmüller (2017) observed that the biggest and most influential association known as Boda Boda 2010 is close to the current government and is in control of the industry. Other groups, such as Kampala Metropolitan Boda Entrepreneurs (KAMBE) and Kampala Metropolitan Boda boda Association (KAMBA) or Century Boda Boda have been created in opposition to Boda Boda 2010. KAMBE in particular is the second largest group and is under opposition control.

Although a number of research works have been undertaken on the boda boda industry as identified, they focus on the political economy issue of regulation and enforcement of traffic rules but do not look comprehensively at the social dialogue dimension of boda boda operation. This study seeks to build on this body of knowledge by making an attempt to have a deeper understanding of the dialogue framework between the boda bodas, government as well as their employers especially with regard to the wearing of helmets and its enforcement by government authorities. This is through exploring a political economy dimension of this engagement and the impacts on the livelihood of boda boda riders.

3. LEGAL AND REGULATORY FRAMEWORK FOR THE BODA BODA OPERATORS

The overall employment regulation in Uganda recognises boda boda riding as an economic activity in which a person (worker) earns his or her livelihood. The laws and regulations governing the boda boda operators are usually enforced by the Uganda Police Force (UPF). Key among the laws are; the Employment Act 2006, Occupational Safety and Health Act, 2006 (Act No. 9), Traffic and Road Safety Act (1998), The Traffic and Road Safety (Motorcycles) Regulations, 2004 and Traffic and Road Safety (Motor. Vehicle Inspection) Regulations (2016).

3.1 DEVELOPMENT OF LAWS AND REGULATIONS

The employment Act 2006 mandates a Labour Officer at the level of commissioner for the Ministry Of Gender, Labour and Social Development (MGLSD) and Labour Officers at district level. The Labour Officer's role is to investigate and deal with complaints. This however only covers workers in the formal sector, as it is the case with the country's labour laws which in essence exclude boda boda operators. The Occupational Safety and Health Act, 2006 (Act No. 9), on the other hand, under Article 24 stipulates that a self-employed person like in the case of boda bodas shall conduct his or her undertaking in a way that ensures, as far as is reasonably practicable, that he or she and any other person who may be affected by the undertaking is not exposed to risks to his or her health or safety. In more specific terms, the Traffic and Road Safety Act (1998) provides the legal framework in which public transport is controlled in the country. The Act classifies types of public transport licenses. Public transport is seen as being large buses, minibuses and taxis/saloon/taxis. By the time the Act was enacted, however, the motorcycle taxi was not a significant mode of transport although motorcycle-drivers also needed a transport licence to operate.

In 2004, the government enacted a regulation on the use of helmets as a direct response to the growth of motorcycle taxi use. This is specified in the Traffic and Road Safety (Motorcycles) regulation which is more precise with regard to the regulation of motorcycles. Under this regulation, a rider and passenger shall wear

a crash helmet at all times that he or she is riding a motor cycle (GoU 2004a). In 2016, the Government enacted the Traffic and Road Safety (Motor. Vehicle Inspection) Regulations (2016). The new law requires the inspection of all motorcycles more than one year from 1st January of the year of manufacture in order to ascertain road worthiness (GoU, 2016). Each boda boda operator, therefore, has to pay Uganda shs 65,000 annually to have their motorcycle inspected. Both laws have however not been effected and the 2016 law has been shelved particularly due to complexities in implementation. In the government Ministries, Departments and Agencies (MDAs), decisions regarding the social dialogue process are made through management teams including the sector working group, the top management team, the senior management team and other technical teams that include Ministries, Departments and Agencies (MDAs). This is the standard procedure for public administration in Uganda where a top-bottom management approach is undertaken but with some form of consultation of stakeholders both within and outside of the agency.

The Traffic Act of 1998 gives the Ministry of Works and Transport powers to make regulations for the purpose of giving full effect to this. This mandate specifically regards directives on the wearing of safety belts by drivers and passengers of motor vehicles, the wearing of crash helmets by motorcyclists and the use of reflectors on any road (GoU, 1998).

In Uganda, just like in most Commonwealth countries, acts are passed by Parliament while regulations are formulated by the respective Ministers in charge. In the formulation, a bill is drafted following a consultative process where several workshops are involved and a regulatory impact assessment is usually undertaken before such a bill becomes law after it is passed by parliament. The relevant Government Ministries, Departments and Agencies work together without much difficulty because the involvement of each party is well defined and spelled out by the law. However, the involvement of the labour department has been almost non-existent in setting up these laws especially with regard to traffic laws and boda boda operations

since boda boda operators are considered informal and difficult to regulate. The major area of concern with regard to inter departmental engagement is interference by political heads, especially those in government, which sidelines the technocrats and undermines enforcement of existing laws on wearing helmets.

3.2 SOCIAL ACTORS AND THEIR ROLE IN REGULATION

In 2005, the Ministry of Works and Transport developed the National Transport Master Plan which includes a master plan for Greater Kampala. The plan identifies three types of public transport systems in Kampala which include; boda boda, minibuses and large conventional buses. In addition, the Master plan recognises that public transport is operated through transport associations and regulated by the Transport Licensing Board (GoU, 2004b). The increase in the use of boda bodas as well as growth in their associations therefore incentivised government to include them in the broad plan for the city. In 2009, the 2005 master plan was revised under a new Master plan with the theme “National Transport Master Plan”, including a Transport Master Plan for the Greater Kampala Metropolitan Area (Ntmp/Gkma). The plan sets out a framework for development of the transport sector over the next 15 years (2008-2023). The plan identifies the many untrained boda boda riders as the main challenge with regard to drivers ignoring traffic rules. It also recommends tighter control over licensing of boda bodas for hire. There is however no clear evidence of engagement of boda bodas as stakeholders in these plans as they are seen as highly informal and difficult to engage. Since then the plan has not been revised. The Ministry of Works and Transport organises a number of events to promote awareness on road safety. The most vibrant one is the annual Road Safety Week which includes a series of activities like the launch of National Road Safety Awareness, Stakeholders Road Safety Workshop, Motorcycle/boda-boda Road Safety awareness activities, Pedestrian/drivers safety awareness activities, Memorial Prayers and Sermons. In the 2017 event, the Minister of Transport emphasised the need for both boda bodas and passengers to wear helmets. The events usually bring together a number of boda bodas both as associations and individual riders as stakeholders in the social dialogue framework.

Within the capital, Kampala Capital City Authority (KCCA) is the governing body of the Capital City and

administers the Capital City on behalf of the central government. Shortly after the KCCA Act, 2010 came into force; KCCA replaced the then Kampala City Council (KCC) which was responsible for transport planning and the enactment of policies, regulations and local taxes. Goodfellow (2015) points out that KCC at various points in the decade 2000-2010, introduced permit-based taxation systems for boda boda but its implementation failed. This has been a result of resistance from boda boda operators and political pressure on the City Council¹. In addition, KCCA introduced a plan to ban the operation of all boda boda operators within the Central Business District (CBD) by demarcating “no-go areas” for boda boda. This plan was also not implemented following pressure from government and political leverage exerted by boda boda operators, their leaders and ATGWU over President Museveni.

3.3 BODA BODA OPERATORS' ORGANISATION

Boda boda operators in Uganda operate on a basis of a stage. This is a particular station where a group of boda bodas park their motorcycles as they wait for customers. There are numerous stages in and around Kampala city and each stage has its own leadership structure with the responsibility of managing the day-to-day running of the stage operations. These are usually comprised of the Chairman, Secretary and Treasurer. Most of the leaders are elected by boda boda operators although others are nominated by the respective boda boda association leaders. Their roles are to manage a disciplinary function and also restrict entry into the business until a new rider pays a fee for entry. The entry fees vary from 50,000 (\$29.4) to 300,000 (\$176.4) depending on the strategic location and demand of the business. In addition, each stage collects money to support the welfare of members Integrated Transport Systems Limited (ITSL) (2008). This entry fee has largely remained the same for most stages although some particular ones, especially those in busier areas have slightly increased. Currently, boda boda drivers earn an average of 50,000 Uganda shillings (\$15) a day.

The operation of boda bodas in Uganda is not well regulated and is usually dominated by players with different interests and power levels. Boda bodas are frequently used as a political tool by government and many of them are even said to be part of the intelligence services in the military. The Government often uses boda bodas to undertake campaigns, track

¹Primary data: interview with KCCA official.

criminals and even silence critics during demonstrations (Gyagenda, 2018). In 2013, the president gave boda bodas 100 million shillings (around \$ 26,000) as a token of appreciation for their work. Moreover, criminal elements have also infiltrated the boda boda industry so regulation and enforcement by public officers have become difficult as at times the public servants are not clear whether they are dealing with civilians, government agents or suspected criminals².

“With the highly political nature of Uganda’s informal sector, just like in the formal sectors, regulation and enforcement is quite difficult. Boda boda compliance with traffic rules like wearing helmets and obtaining requirements such as driving permits and licenses is very low” observed an official from the Ministry of Works and Transport.

In addition, there are rivalries between the different boda boda operators. This is particularly true for Boda Boda 2010, which has links with the ruling party and associations like KAMPE. These associations include both boda boda riders and interested motorcycle owners as some boda bodas themselves have bought more motorcycles that are ridden by others. Other groups have emerged over the years, for instance Century Boda Boda Motor Cycle Association which has 1600 registered members as per estimates from their chairperson. The Association has 7 directors and 3 boards of trustees, 1 patron, 2 regional coordinators in five regions, 9 members of the national council, 7 district officers, and 20 officials in each division³.

However, Boda Boda 2010 emerged as the most powerful and influential group due to its close ties with the ruling Party National Resistance Movement (NRM) under President Yoweri Kaguta Museveni. These ties acted as an incentive for the Association to act with less regard for institutions and laws governing the operation of informal sector players in Uganda. There have even been allegations of this Association being involved in criminal acts and harassment of its rivals. In January 2018, the *New Vision*, a state-owned newspaper reported that Abdallah Kitatta, the patron of Boda Boda 2010, was arrested by the Chieftaincy of Military Intelligence (CMI) in a joint operation with the Internal Security Organisation (ISO).

This was in connection with the murder of a certain employee of a famous hospital in Kampala. In the raid on Boda Boda 2010 premises, security operatives recovered a number of items including motorcycles, number plates, hammers, machetes and other documents. Other boda bodas were happy with this operation claiming that Boda Boda 2010 members had been torturing, and extorting money from them supposedly as taxes and confiscating their motorbikes for failure to oblige. Since then, the patron of Boda Boda 2010 has been in custody and has been arraigned in court with all his pleas for release on bail rejected. According to some boda boda riders, the association has lost almost all the informal powers it once had and the ruling party seems to be no longer interested in associating with them. This cannot, however, be ascertained as the matter is highly political so there is a possibility that the Boda Boda 2010 Association is still being used by some elements in government.

Following a public outcry and the events surrounding Boda Boda 2010, the government set up a committee to regulate the boda boda industry while investigations continue in 2018 and beyond. The Uganda Law Society (ULS), an association of lawyers which seeks to develop skills and empower the legal profession to foster justice as well as good governance in Uganda, has been keenly following these events and recommends that this regulatory initiative should be stakeholder inclusive for the sake of its sustainability and that transport operations should take into account the public interest (ULS, 2018). The committee’s work has, however, not been publicised and there is more reason to believe that not much has been done with regard to improving regulation of the boda boda industry. Most recently, President Museveni issued a directive regarding the issue of wearing helmets by motorcycle riders and boda boda cyclists, saying that each helmet will have to be numbered with reflector paint. This was in response to another murder of a politician where the assailants used boda bodas to carry out the crime. “The helmets: We shall require new helmets with numbers and they must shine at night. No more hoods, and helmets must have clear numbers. We also have other methods I don’t want to talk about here,” observed Museveni.

²Primary data. This was the view from some participants in a Focus Group Discussion where some boda boda riders contend that they have been infiltrated by both criminals and state agents, which complicates regulation of the sector by government officials.

³Primary data. This was reported by the Chair of the Boda Boda association.

4. SOCIAL DIALOGUE MECHANISM IN UGANDA

4.1 IN-DEPTH DESCRIPTION OF SOCIAL DIALOGUE PROCESS

The Government recognises that social dialogue is the best mechanism to promote the engagement of informal sector players, particularly the boda boda, in labour and employment relations. According to the Ministry of Gender, Labour and Social Development officials, the tripartite co-operation between Government, employers and employees based on an equal footing is the foundation for consensus on the matters of interest to social partners in Uganda. These interests are related to increasing productivity, enterprise growth, employment and improving the living conditions of the people. The MGLSD acknowledges the need to engage informal sector players, including the boda bodas. This is because they account for around 92 percent of the players in the economy. Moreover, as per SDGs, informality has now been put into focus by the international community.

There is, however, a very low level of engagement with regard to the inclusion of boda bodas as far as the enactment of laws and regulations governing the industry is concerned. It is only recently, for the last 5 years, that the issue of boda bodas has become a legal concern. The Ministry of Gender, Labour and Social Development itself has not been working closely with the informal sector players as their main focus is formalisation. However, it is the police and city as well as municipal authorities that engage directly with the boda bodas through their enforcement and regulative mandates. Furthermore, dialogue is ad hoc and occurs when specific issues require decisions. For instance, when the police began arresting boda boda operators in the city for non-compliance with traffic standards, coupled with attempts to register boda boda riders, there was a stand-off between government and boda boda operators in 2013. The police, together with KCCA, initiated a dialogue with more than 50 boda boda associations and that is when Boda boda 2010 association patron Abdullah Kitatta and another leader known as Sharif Twaha were chosen to represent boda bodas in dialogue frameworks. The Ministry can initiate dialogue with operators and boda boda operators are also free to initiate dialogue with the Ministry although this has not been undertaken as they prefer to directly engage with political players such as the President through his agents in the NRM.

The National Road Safety Council (NRSC), a statutory body under the Department of Transport Regulation and Safety in the Ministry, has regular discussions (usually on a quarterly or a needs basis) on matters of road safety and operators may also request the Ministry for dialogue in cases where there is an issue that calls for dialogue. The Council decisions only become binding if they are passed into law by parliament although their recommendations are usually taken by the Ministry in regulating the sector. Boda boda riders are however not represented in the Council as they are considered part of the informal sector.

Since the enactment in 2004 of traffic regulations targeting boda boda, compliance with the wearing of helmets, not much has been done to enforce it other than irregular police operations, which often did not yield many results. In 2008, the then Inspector General of Police Kale Kayihura issued a one-year "last chance" ultimatum for boda bodas to comply with the regulation of wearing helmets. This was followed by an intense operation in September to October 2009, when many boda boda riders who were not complying with the laws were arrested and their motorcycles impounded by the police. A hefty fine of 60 to 80,000 Ugandan Shillings (UGX), an equivalent of USD 20, was slapped on the culprits. The major challenge was corruption as police officers were alleged to have received bribes from the culprits a number of times. Another crack-down followed in February 2010, initially supported by President Museveni, who insisted that the issue of safety could not be compromised.

From 2011 to 2015, the World Bank funded a project under the theme Global Helmet Vaccine Initiative (GHVI). The project conducted 38 workshops for approximately 3,800 boda boda drivers in Kampala, providing helmet safety education and free helmets. The initiative developed public awareness and an education strategy for boda boda drivers and organised radio programmes across Kampala to promote the wearing of helmets. The awareness and free helmets has, according to some boda boda stage leaders in Kampala led to an increase in compliance with traffic rules through wearing of helmets. The sustainability of this cannot however be ascertained.

4.2 POLITICAL AND ECONOMIC REASONS BEHIND THE SOCIAL DIALOGUE PROCESS

Political interests remain an issue of focus for the government when dealing with boda bodas. Since their services support thousands of commuters on a daily basis and has a large geographical outreach, boda bodas are seen as a critical tool for mobilisation in terms of electoral power as well as ensuring stability, not only in the city but the entire country. This explains why the President has been lenient to them in spite of the fact that they were not following the laws government put in place to regulate the sector. For government ministries, departments and agencies, awareness and improved compliance to improve road safety regulations are important for safety, efficiency of services and organisation of the industry. In addition, domestic revenue mobilisation, which is now a main focus of government, is an incentive to regulate the sector. The revenue is also used to improve road safety. This explains why efforts have been put in place to encourage boda bodas to form associations and be formalised, as this brings them into the tax bracket.

The boda bodas' view, however, is that government has done very little to organise and support the boda boda industry. They would expect government to provide them with better social services in return for the taxes they pay. These services include; better access roads, repairing potholes that wear and tear their motorcycles more quickly and provide better infrastructures, which they can use as stages for their operation. "Their only aim is to get money and revenue from the boda riders", said one of the boda bodas during an FGD. The boda bodas are generally in support of the social dialogue mechanism as a strategy to improve their public image and gain more from the industry. Trade unions/informal workers associations are interested in improving the working conditions of the informal sector players and also in registering them as members in order to further their agenda as they engage with government and employers. The employers on the other hand are interested in improved transportation to support their logistics as well as their workers. In addition, formalisation and development of the industry provides employers with increased market opportunities as it leads to overall economic growth.

4.3 EVOLUTION OF THE SOCIAL DIALOGUE PROCESS

Social dialogue with regard to boda boda riders and social dialogue partners is a recent development. Since early 2000 when there has been a proliferation of boda boda businesses, government agencies have largely not been engaging the players, except for issues to do with regulation and collection of operating fees at district levels. From 2008, the police started operations to promote compliance with traffic rules among the boda boda. These operations were on and off and often involved some form of negotiations between government and a section of boda boda, especially Boda Boda 2010, to address the impasse created in the implementation of the regulations. Following the police operations to enforce the traffic rules, government passed a helmet standard in February 2012 to facilitate the enforcement of the Traffic and Road Safety Act (1998) and the Traffic and Road Safety (Motorcycles) Regulations, 2004. In the same vein, GHVI developed specifications for head protection for motorcyclists. The standard incorporates affordable and climate-appropriate helmets and better equipped police officers to identify substandard helmets (Craft et al, 2017).

The organization of boda bodas by trade unions has been limited. Over the last 5 years however, trade unions have started reaching out to boda-boda associations. In 2015, ATGWU, an affiliate of the National Organisation of Trade Unions (NOTU) began registering boda boda associations as members. Boda boda associations therefore became affiliated to NOTU through their membership in ATGWU. For NOTU the organization of Boda-Boda Associations will serve to increase their political leverage in the tripartite mechanisms as well as promote formalisation of the industry. NOTU believes an organised boda boda industry, formed into associations, is the best mechanism to promote better livelihoods for boda bodas. This is because the union would be able to better represent their views and defend their rights as well as promote compliance with traffic regulations, which also ensures their own safety as workers. NOTU currently has around 40,000 boda boda members all of whom are affiliated to them through ATGWU.

Shortly after registration of boda boda associations began, in February 2015 ATGWU leaders joined hands with KCCA and the Police in informal negotiations, which resulted in a common understanding among the social dialogue players. As a result of this understanding, the harassment of boda boda operators by police

has been stopped and the KCCA registration has been made more participatory through involvement of boda boda associations in meetings to come up with a better approach for enforcement. The participation is yet to have any effect on the policies and regulations as KCCA is still to come up with any new initiatives to regulate boda boda operations. As a result of this dialogue, KCCA has also shelved plans to remove boda boda operations from within the CBD.

4.4 SOCIAL PARTNERS INVOLVED IN THE PROCESS

4.4.1 Ministry of Justice and Constitutional Affairs (MJCA)

The Ministry's mandate is to provide legal advice and legal services as well as to support the machinery that provides the legal framework for good governance and also undertakes research for reform of laws. Based on recommendations from other MDAs and the research undertaken, the Ministry drafted the legislation on wearing helmets to effect the provisions in the Traffic Act of 1998. Penalties for violation of such laws, as well as rights of offenders are all provided for by the Ministry's other laws that have been drafted and adopted as well as the Constitution for the Republic of Uganda.

4.4.2 Kampala Capital City Authority (KCCA)

KCCA is a corporate body established by the Kampala Capital City (KCCA) Act, 2010 to administer Kampala Capital City on behalf of the Government of Uganda. As a regulator and enforcing agency of government in Kampala, KCCA has since 2013 been engaged with boda bodas to ensure compliance with the prescribed rules and have them registered. As part of the Kampala Metropolitan Area Development strategy, KCCA gazetted stages within which boda bodas were allowed to operate in the city. Areas were famously zoned into green and red and no-go areas for boda boda cyclists. The plan was to enable the Authority to create a sense of order and sanity in the boda boda industry. In addition, KCCA launched registration of boda bodas in October 2013. The exercise saw more than 54,000 cyclists operating in the city registered. Unregistered cyclists were not to be allowed to operate in the city. However, this was protested against by many boda bodas and with the political support from the ruling party, KCCA felt frustrated and literally backed down from implementation of the plan to zone areas of boda boda operation in the city. Even the registration exercise did not yield the much needed results as many

boda boda outside the city still access the city and operate without being registered. This is in addition to boda boda operators in the city who resisted the registration exercise on the grounds that they were not consulted in the process.

4.4.3 Uganda Police Force (UPF)

UPF is mandated to maintain law and order under the Police Act, Penal Code Act, 1950 and the Constitution of the Republic of Uganda, 1995. The functions of the police are to; protect the life, property and other rights of the individual, maintain security within Uganda, enforce the laws of Uganda, ensure public safety and order, and to prevent and detect crime in society. The role of Ugandan police in this dialogue framework is therefore to raise awareness of the need for boda bodas to wear helmets as law abiding citizens and enforcement of this law. This is under the mandate of the Officer in Charge (OC), Traffic Police. However, there has been limited success on this front as the police get overwhelmed by the number of non-complying boda boda riders and users alike. Besides, it is not an uncommon scene to see the police themselves in Kampala riding their motorcycles without helmets. This makes the police in such instances lack the moral authority to enforce the law when they themselves are not abiding by it.

4.4.4 Ministry of Gender, Labour and Social Development (MGLSD)

MGLSD is mandated to empower communities in diverse areas. The Ministry promotes cultural growth, skills development and labour productivity while promoting gender equality, labour administration, social protection and transformation of communities. MGLSD is a key Ministry in the social dialogue framework. However, due to resource inadequacies, the Ministry has not been at the forefront of engaging boda bodas in the social dialogue framework to promote the use of helmets. Instead, they have relied on the enforcement of the law by the police and KCCA to promote wearing of helmets among boda bodas. The Ministry officials usually engage with formal workers unions like the transport union to help raise awareness but this is subject to support from development partners.

4.4.5 Ministry of Works and Transport

Ministry of Works and Transport is responsible for planning, developing, and maintaining transport infrastructure and engineering works in the country. It is the planning and maintenance of transport infrastructures that brings the Ministry together with KCCA and police

to promote road safety and more specifically the issue of boda bodas wearing helmets. The Ministry also organises awareness raising drives to promote road safety which usually engage boda boda riders. However, as a policy arm of government in the sector, the Ministry's role is limited to setting up the frameworks and it relies on other MDAs for enforcement. In setting up frameworks for the sector, boda boda workers are not directly engaged as engagement is usually limited to formal structures of government and organised interested groups like civil society and the private sector. Indirectly, however, boda boda operators are engaged through ATGWU since the Ministry has not come up with particular frameworks for boda boda operations in the last 5 years when ATGWU started increasing membership with boda boda riders.

4.4.6 Local governments (Municipal Councils)

Kira Municipal Council and Nansana Municipal Council, as part of a local authority in Uganda, are charged with executing decentralised mandates from the central government. This is provided for under the Local Government Act 1998. Regulation of the informal sector is one of these mandates and this is what the boda boda operations come under. Each municipality is supposed to have a Labour Officer who is charged with labour inspection at the district level. However, not all districts in the country have labour officers and this is attributed to resource constraints.

Enforcement of the laws at local government levels falls under the responsibility of the Officer in Charge Traffic, Group Information Security Officer (GISO) and Defence Intelligence Support Office (DISO). Even at the district level, engagement of boda bodas in the social dialogue framework is limited. However, Nansana as a council in collaboration with different boda boda groups came up with a bylaw to better regulate the sector but this has not yet become fully operationalised. The bylaw was part of the effort to require contractors in the town council to use local labour for all the projects that they would be awarded. This was essentially to ensure that informal workers, inclusive of boda boda operators in the area, secure more customers/clients during road construction, garbage collection, collection of market dues and overall operation. The move, however, faced obstacles with regard to how it is to be implemented due to the fact that some boda bodas and informal sector workers in the town council reside in other areas.

Registration of boda bodas at the district level is usually undertaken by the Community Based Officer after

receiving recommendation from the town clerk. They pay a stage fee that varies depending on the stage level. These fees are regulated for example license fee, Value Added Tax, stage taxes, occupational fees. These fees are used by the municipality for administrative purposes and have become very important to local governments as a local revenue mobilisation measure. However, the issue of wages is not discussed as some of the boda bodas ride their own motorcycles while others agree on a daily or weekly pay to the motorcycle owners.

In terms of decision making, local governments follow a top to bottom approach where decisions go directly from parliament to district, then to the division and from there to the local council levels. However, districts also have political heads, who oversee the operations of the technical officers. The district politicians are also observed to be influencing the regulation of boda bodas at district levels. This is because, very much like at the central government level, boda bodas are engaged by the President and top politicians; local politicians also do the same, especially during the election period. This has given boda boda more leverage in cases where they do not wear helmets as even the district officials become more relaxed in terms of enforcement. Boda bodas have also used this leverage to resist stronger regulation in terms of registration and payment of dues to local governments. The local government officials see boda boda operators as happy to operate without much interference from government. Since politicians use them as electoral capital, it becomes difficult to enforce regulations.

4.4.7 Boda boda operators

Boda bodas usually operate in stages and they form associations in pursuit of protection and identity. They are in need of protection from local authorities who they believe to be extorting money from them as the business is regarded as being profitable. Operators are sceptical of these associations as they result in the formation of cartels with the aim of extracting money from the members generally through coercive means. Boda bodas in association are usually in the 30-45 age range, with around 5 years' experience in the industry. There are also benefits to being in associations with regard to gaining a stronger voice in the social dialogue framework. Other benefits include; access to training opportunities for saving and credit facilities for personal development, provision of security for their businesses, and support for health and opportunities for education scholarships.

However, some boda boda riders are opposed to forming or joining associations. This is because they believe associations exploit members instead of helping them. In terms of involvement in the social dialogue, there is sufficient representation of those in associations at all levels of ATGWU operation. This is from the association Board of Trustees, Directors and Trustees based in Kampala, National Council Boarder (organisation committee) to district and division offices. The Board of Trustees are at the supreme level of management and all decisions and positions taken by an association has to be passed by them. The organisation committees coordinate operation across different districts while district and division offices are charged with the day-to-day running of the associations at local levels. The following associations in particular: Metropolitan Boda Entrepreneurs (KAMBE) and Kampala Metropolitan Boda Boda Association (KAMBA), and Century Boda Boda Motorcycle save boda riders from groups that were exploiting them, like Boda boda 2010. In addition, they organise programmes that are supportive to boda riders and present the voice of boda riders to the government on matters concerning their issues. The objectives that boda bodas seek to achieve from social dialogue are basically related to equality at work and security gained in their everyday work. They also want to demonstrate to government that boda boda riders are an important partner in the informal sector, which, that if properly engaged, would benefit the entire country.

4.4.8 Amalgamated Transport and General Workers' Union (ATGWU)

ATGWU, an NOTU affiliate, is an autonomous and democratic voluntary organisation formed in 1938 to organise and represent its members. The union is owned, funded and run by workers in accordance with its constitution. The union aims to effectively organise workers into a strong and well-informed labour union that is capable of facing the growing challenges in the world of employment. The union comprises a total of 80,000 members, with 14 boda boda associations representing close to 40,000 members. The union has a secretariat headed by a Secretary General who reports to the trustees. They usually have a delegate conference where members' views are sought and the activities of the secretariat approved. ATGWU develops and implements a strategic plan. This plan facilitates social dialogue and is particularly important in fighting for labour rights, negotiating with landlords, i.e. KCCA, who they pay for use of the stages. The Secretariat also negotiates with government on behalf of boda boda, who came on board in 2015 as ATGWU members. They

believe safety on the road should be everyone's responsibility and should not be politicised the way it is currently.

Through consultations, ATGWU seeks to engage members and government to promote social security, workers' education, and full integration of workers in unions. The Secretariat examines policies that could be favourable to workers (boda boda riders) and forwards them to the National Executive Board for approval. The union has received support from a number of donors namely: the United States Agency for International Development (USAID), the National Organisation of Trade Unions (NOTU), the Friedrich-Ebert-Stiftung (FES) and Mondiaal FNV. They have used the support for mapping, organising, recruitment, and education of workers. As a result, there has been a significant increase in the number of members.

The relationship between the boda boda associations and the union are on the same lines. The union has helped boda boda associations to be recognised by social dialogue partners, especially government as an important stakeholder in the process. This is because it organises them into formal structures that can be engaged in negotiations. More importantly, as an NOTU affiliate, ATGWU has been able to bring boda boda associations into the mainstream trade union movement, recognised by government. As this is only a relatively new development, resulting from the 2015 registration of boda boda associations as ATGWU members, the negotiating strategy of boda boda associations are still evolving but they are increasingly adopting the approach of mainstream trade unions, which is basically through lobbying, mobilisation and awareness raising. The recognition of boda boda associations as part of the trade union movement by both trade unions, through their membership and government has effectively increased the bargaining power of boda boda associations.

4.4.9 National Organisation of Trade Unions (NOTU)

NOTU is a workers' union formed to promote and safeguard the interests of all registered labour unions affiliated to it and the welfare of workers in Uganda. The Union has a Secretariat based in Kampala under the leadership of a Secretary General which coordinates its activities and members across the country. NOTU has a Central Governing Council (CGC) which consists of all General Secretaries of Trade Unions Affiliated to NOTU. The role of the Council is to decide, determine and

approve policies concerning the operations of the Union. NOTU is recognised by all social dialogue partners as an umbrella body representing the interests of workers. As such, the affiliation of boda boda associations to NOTU through ATGWU has effectively included boda boda's presence at the social dialogue negotiating table.

The recognition of boda boda operators has had a greater impact with regard to representing the voice of boda boda riders than previously, when most government agencies considered boda bodas informal and hard to engage due to their high numbers and lack of a central representation to engage with. NOTU is very vocal in terms of defending the interests of their members so over the next few years, there is optimism that the livelihood of boda boda workers will be further improved as they are now part of the trade union movement. For instance, there is already reduced harassment of boda boda operators by the police. NOTU has been working with ATGWU to promote formalisation of boda boda associations through proper registration. This is seen as an important tool for enhancing the recognition that boda boda associations already have in the social dialogue framework.

4.4.10 Federation of Uganda Employers (FUE)

FUE is also part of this dialogue framework although its engagement has not been much. FUE members are increasingly using boda bodas for logistical purposes, but this engagement has usually been for organised boda bodas such as safe boda and Uber boda. The agenda has therefore been to promote formalisation since they would then be seen as potential members. FUE sees the tripartite mechanism as a good forum to address the issue boda boda's wearing of helmets rather than reliance on the police, whom the boda bodas now see as a nuisance and are resisted rather than being partners for improving their workplace conditions. Limited awareness is a major issue to be addressed with regard to this perception by the boda bodas. Besides, the tripartite mechanism has been instrumental in successfully setting up social protection initiatives in Uganda namely the National Social Security Fund (NSSF) and the Uganda Retirement Benefits Regulatory Authority. Challenges aside, the success of these initiatives demonstrates that when used, they are able to promote compliance among the boda bodas.

5. STAKES AND GOALS OF SOCIAL DIALOGUE PARTNERS

Social dialogue is largely seen as a political mobilisation tool by the political leaders and a political engagement tool by the boda bodas themselves. Whereas institutions like KCCA, MGLSD and the UPF are mandated to regulate the boda boda industry, they seem to have surrendered to the political weight which the boda bodas carry which makes them almost untouchable. Moreover, there have been cases where the police structures work with certain boda boda groups of unclear mandate like boda boda 2010. This complicates social dialogue because a tripartite mechanism, which is preferred for addressing the issue of non-compliance with laws by boda bodas can only be conducted in a free atmosphere and with registered/ well-regulated social partners. MDAs and employers believe in the leadership of the Police and that they should not permit associations with groups without a legal status and mandate as this undermines social dialogue frameworks.

5.1 AGENDA SETTING IN THE SOCIAL DIALOGUE PROCESS

The agenda is set at different levels and for different reasons. At the political level government sees boda bodas as a tool for mobilising the public for political capital. For instance, before the arrest of Boda boda 2010 patron, Kitatta, former Inspector General of Police Gen. Kale Kayihura appeared before the Parliamentary Committee on Defence and Internal Affairs and reportedly defended Kitatta. He argued that Kitatta had supported the police in fighting crime in communities. He further informed the House that Kitatta and his group helped to disperse opposition supporters during the 2011 Walk to Work protests as well as during the 2016 general elections.²² (ULS, 2018). The boda bodas know this and they themselves make demands and literally hold government to ransom when it comes to the implementation of the law on wearing helmets.

In terms of trade union agenda setting, NOTU's engagement with boda boda operators greatly increased after ATGWU brought boda boda operators on board. NOTU revised its constitution in 2015 to allow representation of boda boda operators as informal workers on its Board. This gives boda boda

operators the same rights within the union as other members in the formal sector. Moreover, NOTU has now started engaging with MGLSD to review the laws so that informal sector workers can be legally recognised and engaged by government as a party to the social dialogue mechanism.

For employers, FUE develops a lobby agenda and the recent one for the period 2019-2021 has just been finalised. This is done through a consultative approach where members are invited to meetings and FGDs to gather their views and concerns on how to address them. Boda bodas as informal sector players are however not currently involved in this process so this can be improved through engagement of more formalised boda bodas like SafeBoda and Uber boda. FUE has identified Safe Boda as an important employer of informal sector workers for registration as a member in order to boost its engagement in the social dialogue mechanism. To effectively use the tripartite mechanism, there is a need to make it more focused to prioritise specific issues of boda bodas and the safety issues of wearing helmets. According to FUE, a specific subcommittee could be set within the tripartite mechanism to meet regularly, generate proposals by consensus and how best to implement them. This committee would also be able to undertake joint works on sensitisation. Although boda boda riders and business owners usually collaborate to promote the interests of their business, most boda boda riders see themselves as workers in the informal sector.

5.2 MAPPING THE STRUCTURAL AND ASSOCIATIONAL POWER OF BODA BODAS

The main bargaining power of boda bodas stems from their huge numbers and the different associations they are in. They act as an influential group for government to engage with, especially during election periods as the opposition parties are becoming more and more popular among them. This is especially the case with the rise of an artist turned politician Robert Kyagulanyi, popularly known as Bobi Wine. The increase in multi-party politics, coupled with the greater influence of an independent but popular politician, Mr. Kyagulanyi has given boda bodas more bargaining power. Boda boda 2010, the association that sided with the ruling

government most, has witnessed the rise of more independent boda boda associations like KAMBE, KAMBA and Century Boda Bodas. These associations change sides in terms of political allegiance depending on the benefits they hope to achieve and have become more problematic to the ruling government as many are increasingly supporting the opposition. However, boda boda industry players are divided into two groups, i.e. the motorcycle owners who ride their own boda bodas and those who work for others (motorcycle owners). The latter are the only ones more interested in employee-employer relations based on their specific situation. There have not been any collective bargaining processes between employers and employees in the boda boda industry. This has been attributed to the limited exposure by boda boda associations to the trade union movement, especially before 2015 when ATGWU began registering boda boda associations, which represent both boda boda owners and drivers.

In terms of bargaining strategy, the boda bodas want to engage with government to demonstrate that they are an important player in Uganda's economic development. Many city and urban dwellers' daily lives are supported by boda bodas. This is in spite of the fact that boda bodas are seen as a traffic menace by many, especially because of their disregard of traffic rules and regulations. There is therefore a 'love-hate' relationship among the people with boda bodas and this is largely the challenge facing MDAs in regulating the sector. This is because government agencies do not want to further antagonise public opinion by putting in place regulatory measures that restrict boda boda operation.

5.3 THE SUCCESS STORY OF SAFE BODA

SafeBoda is a mobile application that started operations in Uganda in 2014. The company was cofounded by Ricky Papa Thompson, a former security guard. The company is unique because boda boda riders are given training by the Uganda police and the Red Cross and they carry two helmets (one for the rider and the other for the passenger). In addition, the company's boda boda operators are given training sessions on road safety, customer service and tech usage. SafeBoda is known for compliance with traffic rules and all their boda bodas have reflectors and helmets for both the rider and passenger. Upon training, a boda boda operator with a smart phone pay Shs 25,000 while those without a smartphone pay Shs 50,000, to be repaid in installments. This mobile app works in a similar way to the famous taxi app Uber where one requests a ride online and is picked up from his or her location and the

charges are standardised according to distance covered and time taken. SafeBoda takes 15 per cent of every trip and the remaining money is taken by the boda boda rider. SafeBoda engages more in the bipartite mechanism whereby their employees (boda boda riders) have regular general meetings to evaluate their performances and areas for improvement.

However, some boda bodas do not see SafeBoda as a successful case. To them, such initiatives are only benefit the founders rather than informal sector workers. For instance, enrolment in the company to provide the services is often subject to acquisition of a phone from the same company at a price that is way above market price. Boda bodas have to pay 500,000ugshs for each phone and yet in the market, the same phone costs 200,000 Shs. The commission they take from bodas also greatly reduces the profits, thus affecting their livelihoods. The government regulates the use of the app by registering the company and does not restrict its operations. This is in line with the Ugandan policy of liberalisation where companies are free to enter and exit different sectors of the economy. Moreover, the government sees the case of SafeBoda as one which other boda boda operators should emulate, especially in terms of compliance with traffic rules and regulations.

5.4 ENABLING CONDITIONS FOR THE SD-PROCESS

The registration of boda boda as ATGWU members has been the main enabling condition for social dialogue. This enabled NOTU to recognise boda boda operators as part of the trade union movement and it gave boda bodas an opportunity to engage with KCCA and the police. Moreover, it has opened the way for MGLSD to begin informal recognition of the informal sector players as part of the social dialogue partners. It is this recognition that provides an environment for ATGWU to engage with KCCA and the police to stop the harassment of boda bodas and their proposed ban from operation within the CBD.

The willingness of government to embrace informal sector workers as part of the social dialogue partners has been an important element in facilitating the social dialogue process. The current labour laws only recognise the formal sector workers and this has been the main reason why government MDAs have not been engaging boda bodas in the formulation and review of laws and regulations governing the transport sector. Moreover, with the adoption of ILO resolution 204 concerning transition from the formal to the informal

economy in 2015, the government has been more open to engage the informal sector players. This contributed to the facilitating the engagement of boda boda operators, championed by ATGWU with KCCA and the police.

The structural position of boda boda operators within Uganda's economy has been an enabling condition to push for social dialogue. Their structural position in the country's transport system has given them considerable bargaining power, as the Government and other political actors see them as important political assets. This has been especially pronounced during election periods although it has not had any positive impact on the sector.

Previously, however, the enabling conditions for social dialogue which have been identified by the International Labour Organisation (ILO) have been lacking, as is the case in many developing countries. These conditions include; strong, independent representative workers' and employers' organisations with the technical capacity and access to the relevant information to participate in social dialogue (ILO 2013). It is important to note that many of the workers, especially in Kampala Metropolitan Boda Boda Association (KAMBA), are highly educated, including graduates, with strong organisational and entrepreneurial skills (Spooner & Mwanika 2018). This means they can be effectively engaged in the social dialogue framework.

However, until affiliation with ATGWU, the informal associations had very weak or non-existent institutional power and were not formally recognised by local or national governments, nor were they included in tripartite structures or processes (Spooner & Mwanika 2018). This is in spite of the fact that they had strong informal bargaining power through their connections with government, which was usually due to political connections with the ruling government as is the case with Boda Boda 2010. Other key enabling conditions include; respect for the fundamental rights of freedom of association and collective bargaining (as enshrined in ILO conventions n.87 and n.98) and political will and commitment to engage in good faith in social dialogue on the part of all the parties.

Having the political will for social dialogue and enforcement of the laws and regulations in place is probably the most important enabling condition. A lot of what

happens at the grassroots is determined by what happens at the top. In Rwanda and Kenya for instance, there has been political will from the respective governments to enforce traffic rules, particularly with regard to boda boda wearing helmets. As such, these countries have much higher rates of compliance. In Uganda this political will is lacking because the government wants to keep the boda boda happy, especially during election period.

According to employers, there is a need for better organisation of boda boda industry players into associations with respect for each other. The associations should therefore be for both boda boda riders and boda boda owners. The two can therefore have bipartite negotiations to come up with common positions, which can then be pushed for within the tripartite mechanism. In addition, the two associations can jointly set up minimum standards for road safety which would make it easier to be enforced.

5.5 OBSTRUCTING CONDITIONS FOR THE SOCIAL DIALOGUE PROCESS

Inconsistent messages from the government have undermined the effective engagement of social partners. For instance, in 2010, President Museveni observed that the wearing of crash helmets by passengers is optional. This was after he initially supported the police operation to enforce the wearing of helmets by boda bodas for safety reasons. However, a few weeks later, the President ordered the Inspector General of Police, Maj. Gen. Kale Kayihura, to halt the Police crackdown on boda bodas in the city. He observed, "Nobody should arrest you because you have no helmet. I will come back here and we'll talk about all your problems," (Kasozi, 2010). This immediately led to cheers from the boda bodas and anti-police slogans being chanted at the police IGP. With such a scenario, public officers mandated to regulate and enforce the law on boda bodas felt threatened and resorted to not taking serious actions on boda boda offenders.

The link to politicians with vested interests presents the one biggest obstructing condition to social dialogue⁴. Various MDAs see this link as interfering with their work by undermining constructive dialogue among the different social dialogue partners. For instance, there are members of parliament who buy motorcycles and give these to their constituencies as a campaign tool while others own boda bodas

⁴Primary data. This was the view of officials from MGLSD and KCCA. They see the direct linkage and engagement between politicians and boda boda riders as undermining them from executing their mandates.

themselves. Riders are exploited during elections and yet they gain less, especially after the electioneering period is over, yet the division created by the process persists among them. Moreover those who do not support the government are harassed and brutally arrested during political activities such as campaigns. This, however, does not greatly affect boda boda riders who are not in associations. "It doesn't affect us the riders, especially we who are not under the association. But those who are under the union are used by politicians to work in their rallies or campaigns to support their political motives/ideologies", observed one of the non-unionised boda boda riders. As for local governments, there is a lot of political interference, in the sense that everything that the district officials do regarding regulation of informal sector workers is perceived as working for the NRM.

The lack of female participation in the boda boda industry contributes to obstructing constructive social dialogue. As observed, boda boda riders are typically men and their associations are also run by men. Women who are in the informal sector are generally more open to dialogue leading to compliance with legal and regulatory frameworks that are in place. This explains why in other areas of the informal sector with more female participation, there have been better negotiations and engagement with regulators to comply with the laws that are in place. A case in point is the market vendors in and around Kampala who in spite of a few isolated cases are largely more organised and engaged by local authorities compared to boda boda riders.

The highly informal nature of the boda boda operation set-up makes it difficult to reach operators. Many boda bodas operate independently and even those in associations are not very organised. The leaders are not that accountable to members and much of their interests involve members complying with the registration and operation procedures of each stage, which generally means payment of a stage fee. For this reason, the associations do not really address working conditions/rights but offer informal social security to members. Moreover, boda bodas currently have some form of autonomy, which they do not want to lose, something which will automatically happen with increased regulation.

Financial constraints obstruct the engagement of boda bodas in Uganda. The MGLSD lacks resources to reach out and facilitate meetings. In fact most of the interventions by the Ministry are donor-funded and these

interventions have not specifically targeted boda bodas. Development partners should therefore consider supporting the Ministry to promote awareness and compliance with the regulatory frameworks that are in place. In addition, the Ministry is understaffed, with many districts even lacking labour officers. Other officers believe the President should channel the funds he gives boda bodas through government agencies in order to mitigate some of the challenges caused by financial constraints.

5.6 HOW SOCIAL PARTNERS OVERCAME THE OBSTACLES

The obstacles to the social dialogue process are yet to be overcome by the social dialogue partners. However, some efforts have been put in place to mitigate these obstacles. The use of the tripartite mechanism is one such intervention. The workers operating via NOTU and ATGWU as well as employers have raised the issue with MGLSD and currently, the Ministry is working on an initiative to better integrate boda bodas as informal sector players in the social dialogue mechanism. Modalities of this arrangement are still scanty but all indications are that engaging with ATGWU will be the main strategy to achieve the objective of including boda bodas in the social dialogue process. ATGWU itself has increased the membership of boda bodas and so they are better prepared to handle this responsibility.

Government MDAs are also promoting continuous engagement of social partners by involving all stakeholders in the social dialogue process. This explains why implementation of some regulations has been shelved to give way for dialogue and a better understanding among the social dialogue partners. A case in point is the coming together of KCCA, UPF and some leaders of ATGWU in 2015 to suspend the police operations targeting boda boda operators who are not complying with the rules and regulations governing the sector, in order to create an environment for dialogue to promote compliance as well and indefinite suspension of the plan by KCCA to ban boda bodas from operating within the city centre. Although this has been done informally, it is a building block for increased dialogue among the social dialogue partners. Besides, government has since 2015 decided to adopt a gradual approach whereby the low pace of compliance with the regulations is seen as gradually building the culture of compliance with traffic rules and regulations, especially with regard to the wearing helmets among boda boda riders and passengers.

MGLSD has prioritised resource mobilisation from donors to implement social dialogue activities. Since resources determine every initiative to be undertaken, the Ministry is also open to engagement of any stakeholders who would be interested in supporting a social dialogue framework with boda bodas to promote compliance with traffic laws. According to the Ministry, social dialogue with the boda boda needs finance in terms of transport facilitation for participants, payment for meals, refreshments and meeting venues. Although it is the implementation of agreements/decisions made from social dialogue that predominantly requires resources, even the initial processes require some form of financial commitments, which the Ministry, due to its budgetary constraints is not able or willing to make. Since the Ministry is open to working with partners to extend social dialogue, ATGWU and NOTU present an entry point for the engagement of boda boda riders in the process.

Efforts have been put in place by other social dialogue partners, especially NOTU and ATGWU, to promote formalisation of the boda boda sector through encouraging the formation of associations. This explains why ATGWU has been put at the forefront of boda boda associations in terms of registration and representation. NOTU and FUE, on the other hand, are all into awareness raising drive to encourage boda bodas to join associations as this also gives them better bargaining power in the social dialogue framework. The social dialogue partners are looking to have and engage leadership of boda boda at stage level in order to involve everyone. In addition, the new regulations require boda bodas to operate in associations.

6. IMPACT OF SOCIAL DIALOGUE ON THE LIVELIHOODS OF BODA BODAS

The social dialogue through ATGWU and NOTU as well as their mobilisation has enabled boda bodas to better organise themselves into groups/associations and has made them appreciate that their operation should be taken as a business. ATGWU has intensified its mobilisation efforts to encourage more groups to be formed and registered not only to promote social dialogue but also to improve their incomes through better management of the business. This business model approach has acted as an incentive for more boda bodas to join ATGWU and also better manage their finances, which translates into improved livelihoods. More importantly, it has given boda bodas a stronger voice in the social dialogue framework especially the recognition they received from government MDAs in 2015 as social dialogue partners, which was in itself facilitated through the increased boda boda membership of ATGWU. When government enforcement agencies, in particular KCCA and UPF, allowed for more time to promote dialogue and compliance with ATGWU leaders, it allowed boda boda operators to operate without their business being disrupted by the police. Other benefits include: access to training opportunities for public education on wearing helmets.

The social dialogue processes championed by ATGWU have some impacts on non-members of boda boda associations as they are always called upon to attend training sessions on security and road safety. However, non-members do not get a chance to have their voice represented in the social dialogue framework. This explains why the transport workers' union and NOTU are encouraging more boda bodas to join associations.

In promoting social dialogue by reaching out to more boda boda riders for registration, ATGWU and NOTU, working together with other stakeholders, have also promoted health amongst riders especially relating to HIV testing and training to do with behaviour change. More importantly, it has enabled riders to be awarded education scholarships. For instance in primary schools, each rider pays 350,000 shs per year while in secondary school, a rider pays 450,000 shs per year. This has supported them in accessing education and furthering their knowledge, which is important in improving a person's prosperity.

The risks of accidents have, however, not been reduced, due to the failure of the social dialogue mechanism. Given this situation, many boda bodas and their passengers remain prone to life-threatening accidents. This often happens when they don't wear helmets despite being required to do so. The general public therefore sees boda bodas as breaking the law with impunity and the police as not doing enough to enforce existing laws on wearing helmets.

6.1 OVERVIEW OF KEY LESSONS LEARNED

A number of lessons have been learned from the social dialogue process in Uganda regarding the issue of boda bodas wearing helmets. The main lesson is that political interests often override social interests in the social dialogue mechanism and so changes are only able to happen from the top leadership. Political will cuts across all social partners and across all levels. Government and technocrats need clear directions from the political heads. Boda boda association leaders should also have the political will to engage in good faith and to put measures in place at the stage level to ensure compliance with traffic laws. In addition, boda boda association leadership should avoid close association with politicians as this compromises the ability of the management to act on behalf of their members.

To promote social dialogue in Uganda, trade unions need to include more informal workers in their ranks. An example is ATGWU's registration of boda boda associations, which has increased the bargaining power of boda bodas, as evidenced by engagements to stop police harassment and shelve KCCA's plans to ban boda boda operations in the CBD. This is because the government believes that constructive social dialogue should only be conducted with groups having a legal status and mandate. This can only be achieved by informal workers' associations affiliating with umbrella unions like NOTU, which has a legal status and mandate and is recognised by all stakeholders. The Ugandan police specifically have been engaging with groups like boda boda 2010, which had no clear legal mandate to work with the police in an ad hoc manner, moreover only to achieve political gains. This made them disregard existing laws and also harass rival groups on the assertion that they have close ties with the ruling government. Moreover, the engagement did

not bring any meaningful result with regard to addressing the conditions and work/workers' rights in the informal sector.

Intervention in the social dialogue framework should be comprehensive and be made to include other important issues especially on how to raise incomes. Boda bodas are very busy people since their work involves constant movements. As such, any initiative to attract their interest needs to be seen as promoting the interest they had when they joined the sector, namely making money. Therefore, any social dialogue framework which only focuses on the issue of safety and labour markets as is the case currently is likely to not get full support from the riders. This has been the case for social partners who engaged in dialogue particularly on the issue of minimum wage before boda bodas were brought on board by ATGWU 2015. It is, however, important to note that initiatives to increase the earnings of workers through social dialogue, for example minimum wage, require some form of formal organisation which was non-existent among the boda bodas before their registration with ATGWU.

The responsibility of wearing helmets should go beyond boda boda riders to include Stage leaders and passengers. Stage leaders could require their boda boda drivers to wear helmets as a condition for operating at a given stage and the police as an enforcing agency should therefore penalise both the boda boda rider and the offender in the event that one of them is found not to be complying with the law. This will promote better compliance as passengers will also be keen not to accept being driven without wearing a helmet. Moreover, boda operators would be under obligation from their leaders at the respective stages to wear helmets at all times.

The high levels of informality, as is the case in Uganda, are an obstacle to social dialogue, which needs to be addressed through formation and support to associations in the informal sector. It also implies high under-employment rates. This is demonstrated by some boda boda riders who are themselves educated. Government, therefore, should address the high incidences of infor-

mality by proper registration and regulation of the boda boda industry. This will help the sector grow and promote safety with regard to wearing helmets as well as reduce the social burden in the future. This is because proper registration and regulation would make it easy for ATGWU to register, engage and represent the boda bodas in the dialogue framework. Since informal workers representatives would be involved in the process, especially with regard to how best to implement these regulations, their interests and concerns would be addressed, hence promoting their compliance.

Government and other social dialogue partners need to have a deliberate budget for facilitating social dialogue as well as implementing decisions or outcomes of the process. This is because it has been very difficult to regulate the transport sector, particularly the boda boda industry. Boda boda players were used to engaging government only as a political issue where they gain financial incentives as well as grounds for not following traffic rules in exchange for supporting government. Accordingly, they view social dialogue as an activity to be funded by government. This needs to change and they themselves need to make finances available through their associations and ATGWU to promote social dialogue. Government on the other hand needs to make financial resources available to enable its officials to engage with social dialogue partners and implement the agreed issues. For the regulation on wearing helmets to be actualised, there is a need for a comprehensive approach that brings together all the stakeholders in the social dialogue framework to deliberate and agree on the best way to implement the law and enforce compliance.

6.2 STAKEHOLDER ANALYSIS ON THE SOCIAL DIALOGUE PROCESS FOR WEARING HELMETS

Table 2 provides an analysis of stakeholders in the social dialogue process with regard to the issue of wearing helmets. The issues analysed include the aspired goal for each stakeholder in the process, their bargaining power, negotiating strategy and level of satisfaction with the process.

Table 2: Stakeholder analysis

STAKEHOLDER	ASPIRED GOAL TO ACHIEVED THROUGH SD	BARGAINING POWER	NEGOTIATION STRATEGY	LEVEL OF BE SATISFACTION
Federation of Uganda Employers	<p>Safety of workers who use boda bodas.</p> <p>Better management of logistics for companies.</p> <p>Overall economic growth of Uganda as increased incomes among boda boda leads to more markets for companies.</p>	<p>A major user of boda boda services especially logistics and transport of workers. They however currently do not represent boda boda associations.</p> <p>Being in a position to influence policy through directly engaging government.</p>	<p>Using the tripartite mechanism as the entry point.</p> <p>Conducting a baseline survey to first understand the market dynamics.</p> <p>Make helmet wearing a cross cutting issue to be addressed at both national and local levels.</p>	<p>Low level of satisfaction since enforcement has been ineffective and compliance is low.</p> <p>The only satisfaction is through private initiatives by companies like safe boda.</p>
Ministry of Gender, Labour and Social Development	<p>Reducing informality in Uganda.</p>	<p>A very high bargaining power. This is because as part of government, it is the custodian of the law.</p>	<p>Discussions with successful cases like boda bodas belonging to SafeBoda and Uber companies to understand how they ensure compliance with wearing of helmets.</p>	<p>The progress is slow but encouraging as some level of compliance is being registered.</p>
Boda boda riders under a union, (ATGWU is the only way to affiliate with NOTU, which enables informal workers to be recognised in the social dialogue framework).	<p>Safe and hardworking riders.</p> <p>To promote respect for boda boda riders as an important social partner as they play a big role in the transport sector in Uganda because they ease transport means.</p>	<p>Part of the boda boda riders who support transport passengers across the city.</p> <p>They have many members (more than 40,000) who hold some leverage with politicians in terms of potential voters.</p>	<p>Using ATGWU which brings together all boda boda associations to promote their interests.</p> <p>This is because ATGWU is the only union registering boda boda associations.</p>	<p>There is some level of satisfaction since more boda bodas have started to wear helmets and people have begun to appreciate the work being done by boda bodas.</p>
Boda boda riders not in associations	<p>To encourage fellow boda boda riders to follow traffic rule.</p>	<p>Not applicable</p> <p>Part of the boda boda riders who support transport passengers across the city.</p>	<p>Using stage leaders to represent them at different levels i.e. engaging with local authorities, central government and other social dialogue partners.</p>	<p>There is some form of satisfaction as police harassment has reduced and more individual boda boda riders are now wearing helmets than before.</p>
Local Governments	<p>An organised community which is free from boda boda accidents.</p> <p>A thriving transport industry, which leads to better livelihoods for boda bodas and passengers alike.</p>	<p>Mandated by the Central government to regulate the informal sector in which boda bodas fall.</p>	<p>The government employs both political and technical powers, which give it a strong bargaining power of using both "the carrot and stick".</p> <p>A strategy that ensures a win-win situation of gives and takes.</p>	<p>The level of satisfaction is low. This is because compliance among boda boda and passengers is very low in spite of the efforts.</p> <p>However, there are positive signs at grassroots level with people starting to respond by wearing helmets.</p>

STAKEHOLDER	ASPIRED GOAL TO ACHIEVED THROUGH SD	BARGAINING POWER	NEGOTIATION STRATEGY	LEVEL OF BE SATISFACTION
Ministry of transport and works	Efficiency in road operation	Working together with other MDAs to realise the objectives of government.	Engaging boda boda leaders in a round table discussion whenever any issue is at hand. These discussions are usually at the initiative of boda boda leaders but the agenda is set by the Ministry in terms of focus area, which requires technical information on transport and public works.	There is some level of improvement but more funds are required for mobilisation and sensitisation.
Amalgamated Transport and General Workers' Union	Engaging the ministry of Transport and KCCA	A big association of 80,000 members, with 14 boda boda associations. Societal and institutional power. Recognition from other social partners as the voice of boda bodas in Uganda.	Organising road safety week funded by ITF (International Transport Workers Federation) to raise awareness. Lobbying, advocacy and awareness raising, mobilisation of members.	There is some level of satisfaction since many people are joining the association.
National Organisation of Trade Unions (NOTU)	To promote the rights of boda bodas as informal workers.	A highly recognised body, engaged by all social dialogue partners as a legitimate voice of workers. The ability to push for and defend the rights and interests of workers.	Lobbying, advocacy at both domestic and international levels. Raising the awareness of informal sector workers as to the need for social dialogue. Litigation to defend workers' rights and interests as well as mobilisation of members.	There is some level of satisfaction especially when ATGWU brought boda boda associations on board and government harassment of boda bodas reduced. However, more needs to be done in terms of membership and engagement with government to promote the interests of workers.

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