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LAW, STATE AND WORKING CLASS ORGANISATION IN UGANDA: 1962-1987

by

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DEDICATION

This work is dedicated to Uganda's workers who, in spite of all adverse forces, have to-date maintained a relatively autonomous trade union movement.

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ABBREVIATIONS

AALC	African-American Labour Centre.
AATUF	All-Africa Trade Union Federation.
ADC	Annual Delegates Conference.
AFL-CIO	American Federation of Labour - Congress of Industrial Organisations.
ARIL	Annual Report of the Inspectorate of Labour.
ARML	Annual Report of the Ministry of Labour.
ATGWU	Amalgamated Transport and General Workers Union.
AUCCTU	All Union Central Council of Trade Unions (USSR).
CGC	Central Governing Council (NOTU).
CO	Colonial Office.
DP	Democratic Party.
FRONASA	Front For National Salvation.
FUE	Federation of Uganda Employers.
FUECI	Federation of Uganda Employers, Commerce and Industry.
FUTU	Federation of Uganda Trade Unions.
ICFTU	International Confederation of Free Trade Unions.
ILO	International Labour Organisation/Office.
ILR	International Labour Review.
ITG & LWF	International Textile, Garment and Leather Workers Federation.
JMAS	Journal of Modern African Studies.
KY	Kabaka Yekka.
LC	Labour Commissioner.
LCC	Labour Consultative Council.
ML	Ministry of Labour.
NOTU	National Organisation of Trade Unions.

NRA	National Resistance Army.
NRM	National Resistance Movement.
NUCCTE	National Union of Clerical, Commercial and Technical Employees.
NUCMW(U)	National Union of Co-operative Movement Workers (Uganda).
NUPAW	National Union of Plantation and Agricultural Workers.
OATUU	Organisation of African Trade Union Unity.
PSI	Public Services International.
QDC	Quinquennial Delegates Conference.
RAU(U)	Railway African Union (Uganda).
RC	Resistance Council/Committee.
ROAPE	Review of African Political Economy.
RU	Republic of Uganda.
SG	Secretary General.
UAMDA	Uganda African Motor Drivers Association.
UFL	Uganda Federation of Labour.
UG	Uganda Government.
ULC	Uganda Labour Congress.
UNC	Ugandan National Congress.
UP	Uganda Protectorate.
UPC	Uganda Peoples Congress.
UPC-YL	Uganda Peoples Congress - Youth League.
UPEU	Uganda Public Employees Union.
UPM	Uganda Patriotic Movement.
URC	Uganda Railways Corporation.
URWU	Uganda Railway Workers Union.
UTGWU	Uganda Textile and Garment Workers Union.
UTUC	Uganda Trade Union Congress.
WFTU	World Federation of Trade Unions.

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ABSTRACT

This thesis describes and interprets the historical development of the legal regulation of the Ugandan trade union movement and assesses the relative importance of law in the determination of the character of trade union organisation in the post-colonial period 1962-1987. Chapter I defines the scope of the thesis and identifies the theoretical framework and analytical themes on which the thesis is based. Chapter II deals with the colonial foundations of the post-colonial legislation with which the thesis is mainly concerned. Chapters III, IV and V cover the period 1962-1987 whereby we analyse, first, the class and political character of the legal changes that take place between 1963-1976. Secondly, we examine the practical operation and impact of the law vis-a-vis the role of state policy and behaviour, the ideological outlook adopted by the trade unions, union constitutional structures and leadership struggles in the formation of the character of contemporary trade unionism in Uganda.

The thesis treats law as a historical category and takes as its starting point the Marxist conceptualisations which view law variously as an instrument of the dominant class, as ideology or which attempt a materialist analysis. From these perspectives we examine the processes of class struggle through which the specific legislation came into being and more crucially the importance of the balance of class forces in the practical utilisation of legal rights or restrictions.

We conclude in Chapter VI that while the economic parameters in which trade unions exist and operate are important determinants of union character, within those parameters the character of the state has proved to be most crucial. But at the level of the unions themselves, the ideology they adopt, their constitutional structures and leadership struggles, together, have created the contemporary undemocratic, economicistic-apolitical and technocratic aspects of trade unionism in Uganda. However law has been important for the unions to the extent that it has been mainly a source of legitimisation for their autonomous existence, most of the time, in their chequered history.

The analysis of the historical and class origins and nature of the law regulating trade union organisation and the assessment we make of the role of law vis-a-vis the role played by other factors in determining the character of trade union organisation in Uganda is, in our view, an original contribution to the knowledge of industrial relations law in Uganda. The construction and interpretation of the historical phases through which both trade union law and trade union organisation have passed is likewise an original contribution to the knowledge of trade unionism in Uganda.

GENERAL INTRODUCTION

This thesis analyses the historical origins of trade union and trade disputes legislation and the role that this law has played in the determination of the structures and character of trade union organisation in Uganda. These developments are closely related to the various historical and political phases through which Uganda has passed. We set out here an outline of those political developments and introduce the arguments in each chapter.

Uganda was incorporated into the emergent world capitalist system by British colonisation which formally began in 1894. However it was not until the mid-1930s, following the introduction of a money economy and the commodification of labour, that wage-labour began to organise albeit tenously. Trade unionism only grew into a more significant force after World War II. The nationalist movement also developed in the 1950s and Uganda achieved independence in 1962.

Since independence each regime in Uganda has had a specific impact on trade union organisation through the enactment of legislation or the way such legislation was applied and due to the specific political character of a given regime. From 1962 the Uganda People's Congress (UPC) led by A.M. Obote ruled Uganda till the military coup of 1971 led by Idi Amin. It is in this period (1962-1971) that most of the restrictive aspects of trade union and trade disputes legislation was enacted thus moving away from the basically voluntary system of colonial Uganda. Idi Amin's regime lasted until 1979 and between 1979 and 1980 the Uganda National Liberation Front (UNLF) ruled Uganda leading to the 1980 General Elections which brought A.M. Obote and his UPC back into power until

he was overthrown by the Army again in 1985. There then followed a short-lived military junta government under Lt.-General Tito Okello Lutwa which was in turn overthrown in 1986 by a guerrilla movement, the National Resistance Movement (NRM) and its armed wing the National Resistance Army (NRA) under the leadership of Y. Museveni. The NRM then set up a broad-based "government of national unity" including all the main political parties and the smaller guerrilla organisations.

In Chapter 1 we set out the broad parameters of the subject matter of this thesis and explain why we adopt the methodological and theoretical perspective of dialectical and historical materialism. The analytical themes and concepts utilised in the thesis are also described and explained.

Chapter II establishes the colonial origins of trade union and trade disputes law. We argue that while the original 1937 Trade Union Ordinances was essentially a product of Colonial Office directions, the subsequent 1952 Trade Union and the 1949 Trade Disputes Ordinances were a response to labour struggles in Uganda but taking the experiences of other colonies, especially Kenya as the impetus and guideline. This legislation was meant to nurture an economicistic type of trade unionism clearly separated from nationalist politics. While the legislation provided the framework for the attainment of this aim it was the ideological training of Uganda's trade unions by the British TUC and the ICFTU which in reality helped achieve this without the need for the state to invoke many of the statutory provisions.

Chapter III deals with the Obote I post-colonial period (1962-1971) and the struggle of the trade union movement to maintain its

autonomy. During this period the state sought to subordinate the trade unions to its ideology of development by enacting legislation restricting strikes and emphasising arbitration, excluding most of the civil service from unionisation and subjecting trade union organisation and administration to state control. Here we argue that although legislation was again used to provide the framework for the defeat of early militant and political unionism (1962-1964), political means and the disunity of the trade union movement - mainly deriving from Cold War divisions - were probably more significant in the realisation of this result.

With the introduction of Obote's Move to the Left Strategy in 1968 the UPC-Obote I regime sought to incorporate trade unions into the emerging state or bureaucratic bourgeoisie which was developing within the new parastatals, co-operatives, the civil service and the nationalised companies especially from 1970. The Labour Consultative Council (LCC) the main tripartite forum meant for discussing labour policy and legislation was one of the ways the trade union leadership were incorporated within state institutions while, where inappropriate in its view, the state simply acted without even any pretence at consultation. This was essentially the case in the enactment of legislation between 1963-1965. A justification for restrictions on labour rights and incorporationist policies was found in the labour aristocracy concept. In this thesis however, we argue that on the contrary workers were not a labour aristocracy and that instead such conceptualisation of workers only served the interests of the emergent bureaucratic bourgeoisie.

Chapter IV deals with the Amin period 1971-1979. Our contention here is that the early period (1971-1974) saw the enactment of a more liberal trade union and trade disputes law than under Obote I. This was due to workers' struggles, the liberal views of the civilian Ministers of Labour and Amin's search for a social base in civil society at the beginning of his regime. But following the expulsion of Asians in the so-called Economic War (1972-1973), the emergence of new but inexperienced African employers and the collapse of the economy, a repressive industrial relations system emerged in practice, enforced by the army, the police and the intelligence services. We also argue that in this period, especially 1974-1979 partly because Western trade unions were generally excluded from operating in Uganda, the ILO tripartite and consensual ideology of industrial relations through education programmes came to be more systematically internalised by the unions. The only positive result at the end of the regime was that the liberal laws and a new potentially strong and viable trade union structure remained in place and could be useful in better political circumstances.

Chapter V covers the post-Amin period 1979-1987. It deals with the Obote II period (1980-1985) and, provisionally, the NRM initial period 1986-1987. We begin by showing how the historical economicistic and apolitical unionism prevented the unions from forming a Labour Party as mooted in 1980 and how lack of a political programme led to the workers' being subjected to divisions among the petty bourgeois-led political parties of the 1980s. The UPC Obote II regime sought to divide and control the trade unions because it lacked sufficient support among them. In this process it completely

disregarded the law - suppressed the constitutional organs of the unions and deployed constant repression against union leaders and workers. The main reason here was the existence of armed guerrilla organisations arising out of the disputed 1980 Elections. The regime knew that a wide section of the workers and the trade unions sympathised with these anti-government organisations. But aside from political intervention trade unions were further weakened by leadership struggles inter se though these were also partly a result of both political and foreign union intervention.

In this period (1979-1987) western trade unions especially ICFTU and AALC attempted to regain a foothold in Uganda. Their educational programmes were supplementary to those of the ILO. As a result the views of apolitical and technocratic unionism are further strengthened during this period. Apart from ideological influence we argue in this part that foreign unions tend to foster patron-client relations which are detrimental to local union democracy.

Finally we argue that due to the economic crisis of the 1980s resulting from both the 1970s industrial and economic collapse of Uganda's productive capacity and the adverse world economic trends, trade disputes law and institutions have been rendered by and large superfluous. However this was exacerbated by the Obote II regime's suppression of the Industrial Court between 1980-1984, for political reasons.

The coming to power of the NRM in 1986 however has changed the political context in which the trade unions operate. Nonetheless ideological limitations of both the NRM and the trade unions themselves have meant that the atmosphere of freedom of association created since 1986 has not been as fully utilised as it could have been.

Chapter VI is the Conclusion. Here we conclude that the character of the post-colonial state has been most crucial in the determination of union rights while the struggles of workers generally and unions in particular have managed to exact some positive concessions from the state. However the adverse economic condition of Uganda and the trade unions' narrow apolitical and technocratic self-conception continue to be restrictive of the unions' capacity to gain further substantive and procedural rights.

Research for this thesis was carried out mainly in Uganda and London, U.K. Our main sources of primary information and data were trade union records in Uganda, government publications and some interviews with the trade union leadership. Some of the information for the colonial period was obtained from the Public Records Office (PRO), London. However, one basic limitation in our research was that most trade union records of the Amin period and even earlier were unavailable because during the various political upheavals in Uganda, in particular the 1979 anti-Amin War, most offices, including trade union offices, were looted. However, the general reconstruction of the organisation of trade unions during the Amin period was possible through a few of the union records that survived and newspaper accounts. The post-Amin period however is, in our view, sufficiently documented.

CHAPTER I: LAW, STATE AND WORKING CLASS ORGANISATION

- A THEORETICAL FRAMEWORK

INTRODUCTION

This chapter identifies the theoretical perspective and the analytical framework of the thesis. We begin in Section 1 by identifying the subject matter of the thesis and outlining the eventual conclusions arrived at. In Section 2 we relate our work to the few works on the organisation of the Ugandan working class, thus identifying our own contribution to knowledge in the area of working class organistion in Uganda. In Section 3 we state and explain why the methodological and theoretical perspective we adopt is historical and dialectical materialism. Finally in Section 4 we introduce the broad issues with which this thesis is concerned in the context of contributions made by other scholars and point to their relevance to our study.

1. THE SUBJECT-MATTER OF THE THESIS

The aim of the thesis is to give a materialist interpretation of the origin of trade union and trade disputes law and to assess the relative importance of law in the determination of the contemporary character of trade union organisation in Uganda. To do this we describe and interpret the historical phases through which the legal regulation of trade union organisation has passed in the postcolonial period 1962-1987. Specifically this thesis makes the following propositions:

1. the most important determinant of the legal rights of union organisation, including their creation, scope and practical significance has been the character of the state. The character

of the state has itself generally depended on its legitimacy. In turn this centrality of the state, we argue, is a reflection of the numerical and organisational weakness of the working class. However, despite this weakness, in the case of Uganda, an autonomous trade union movement has, for most of the time, continued to exist in the post colonial period. This can be largely attributed to the fragmentary nature of the ruling classes/groups but also, to a lesser extent, the protection that law has given to the trade union movement.

2. law, as analysed here, is a distinctly class and political category. On the one hand both the colonial and post-colonial states attempted to use trade union and trade disputes law to achieve policy objectives of the dominant/ruling class in the various periods covered. On the other hand, although some legal rights granted in the colonial period were a result of struggles by workers in other countries, in general the positive organisational rights have been achieved by local working class struggles whether directly or by taking advantage of weaknesses within the ruling class itself. In the latter case we argue that law exhibits political rather than instrumentalist characteristics. Further we argue that in Uganda, as in most sub-Saharan African countries, legal ideology has not been advanced or used by the state to justify labour policies and legislation - instead alternative ideologies to law have been put forward, namely, developmentalism, socialism and economic independence.
3. the ideological character of the trade unions which has emanated mainly from ICFTU and ILO-dominated trade union education is essentially economicistic and technocratic. It is this ideological self-conception that has been, to a large extent, responsible for the inability of the trade unions to transcend their immediate economic concerns to an understanding of the broad legal, economic and political status quo that inhibits the improvement of their organisational, procedural and substantive rights.

4. at the level of the unions themselves apart from ideological limitations, the constitutional structures and the incessant leadership struggles - which are further fuelled by state and foreign union intervention - have contributed a great deal to the weaknesses and undemocratic character of trade unions.
5. the material conditions of an under-developed economy and the economic collapse of the 1970s followed by the more general economic crisis of the 1980s have been severely inhibiting factors for the successful operation of an autonomous trade union movement. Thus the post-colonial state used under-development to argue that development required the negation of certain trade union rights. The continuation of the current economic crisis may therefore provoke state repression and further aggravate the undemocratic character of internal union organisation itself.

2. RESEARCH ON WORKING CLASS ORGANISATION IN UGANDA

So far only very little work has been done on Ugandan labour issues and even that done was in the 1960s and early 1970s and by scholars not concerned with the legal aspects of working class organisation.

There are only four writers that have attempted to analyse aspects of working class organisation in Uganda. The first one was R. Scott (1966). He provides a brief descriptive account of the origin of trade unions in colonial Uganda up to about 1964. He also briefly describes the factors limiting the development of trade unionism as: tribal loyalties, the migrant nature of labour, poor financial resources and leadership. However his insistence on the tribal divisions within trade unions seemed exaggerated as

R.E. Gonsalves later showed (R.E. Gonsalves 1974: 425-440) while the migrant character of wage-labour had generally ended by the end of the 1960s. We show how poor financial resources and leadership struggles, not mere poor leadership have continued to plague Uganda's trade unions. R. Scott treats his subject within the context of Cold War unionism and does not see the ideological limitations of the trade unions as well as the political and legal restrictions as problematic.

The second and most important work on working class organisation however is R.E. Gonsalves (1974). He analyses several aspects of trade union organisation between 1951-1971. However his main concern was the nature of industrial relations and as such discusses the minimum wage-setting process, collective bargaining and the nature of trade disputes. Although he points out and outlines the legal framework of industrial relations in the period 1951-1971, he does not actually specifically discuss the role that law played in industrial relations vis-a-vis other factors. Further he is not concerned with the law-making process: the material and historical forces that determined the content of trade union legislation and the form of unionism that arose in the 1950s and continued after independence. He seems to take the law for granted while in other aspects he implicitly takes law as simply an instrument of the ruling class (Cap. II and VIII especially). In our case however we discuss both the historical origin of the law and its various characteristics: instrumental, political and ideological.

The other two writers who deal with working class organisation limit their analysis to specific sociological aspects. R.D. Grillo

made an in-depth study of the Railway African Union (Uganda) (RAU(U)), especially as of 1964-5. He was mainly concerned with explaining the workplace and residential characteristics of the railwaymen and thus to show that these were long term migrants with links that pertained to "an 'ethnic' system of values which provides one framework by which relationships between railwaymen may be ordered" while on the other hand "the industry itself provides another" (1974:4). Further he emphasises the importance of the occupational grading system as a determinant of union behaviour and extra-workplace relations (1973: 65-90; 148-178). According to him racial discrimination was a significant impetus in African workers' struggle for equality and trade unionism developed partly in this context (1974: 33-73). Although it would have been more illuminating for us to further consider these aspects of intra-working class divisions in the 1970s and 1980s we did not concern ourselves with them as our main concern was with relations between union and state or union and employer. What is clear for the 1980s is that political divisions were most important.

Finally B. Nicol (1979) is simply a formal description of Uganda's industrial relations framework up to 1971. The more important work is B. Nicol's (1972) study of industrial arbitration. His main conclusions are, for our purposes, on the role of the Industrial Court at least between 1966-1969. He concludes that "in its years of operation (it) had largely persuaded employers of its impartiality, but almost half of the trade unions suspected the Court of showing some anti-union bias" (1972: 537-538). Regarding government objectives he concluded that the Court "has assisted in achieving a reasonable degree of industrial harmony... (but) has

largely ignored the Governmental objective of keeping to the suggested income norms of the Second Five Year Plan" while managing for the most part "to keep wage rises below those settled by negotiation and conciliation" (*ibid*: 547). On our part we argue that in the period 1971-1985 the collapse of the economy and the hostility of employers to trade unions and state repression eroded the limited legitimacy that the dispute settlement process and institutions such as the Industrial Court may have had. So while under Amin, especially in the period 1974-1979, the Industrial Court gave awards according to the law and sought to uphold union rights, both the employers and the state ignored such awards and showed little concern for legality. Under Obote II the Industrial Court, for political reasons, was suppressed.

In short the different writers above were concerned with different and specific aspects of trade unionism and only up to 1971. Our contribution goes beyond the pioneering work of R. Scott (1966) and the more wide ranging industrial relations analysis of R.E. Gonsalves (1974). We seek instead to assess the historical role that law has played in shaping the character of Uganda's contemporary trade union movement. We are concerned with showing both the historical, class and social forces that created the law regulating trade union organisation, the scope of the rights created and their utilisation in practice in the period 1962-1987. While the underdeveloped nature of the economy provides the broad framework in which such rights are created and exercised or denied, we argue that the character of the state has been most central to the creation and enjoyment of rights of organisation for the working class while on a secondary level both the economicistic and

technocratic self-conceptualisation of the unions and internal union weaknesses at the constitutional and leadership levels have seriously curtailed both the struggle for more or better rights and the capacity to utilize existing rights.

3. METHODOLOGY AND THEORETICAL PERSPECTIVE: HISTORICAL MATERIALISM AND LAW

This thesis is undertaken within the framework of a Marxist interpretation of law and legal phenomena. Our theoretical perspective is historical and dialectical materialism as advanced by K. Marx in his rejection of idealism and adoption of a materialist world outlook in the analysis of social phenomena. With respect to law K. Marx stipulated that

legal relations as well as forms of state are to be grasped neither from themselves nor from the so-called general development of the human mind but rather have their roots in the material conditions of life. (K. Marx 1969: 503).

Further, Marx advanced the view that in the social production of their lives men enter into objective relations of production corresponding to a definite stage of their material productive forces:

the sum total of these relations of production constitutes the economic structure of society, the real foundation on which rises a legal and political superstructure and to which correspond definite forms of social consciousness (*ibid.*).

However the economic structure to which law and political institutions belong in any social formation are historical processes. In this respect the general Marxist postulate is that class struggle is the motive force of history. K. Marx and F. Engels therefore argued that "the history of all hitherto existing society is the history of class struggles" (K. Marx/F. Engels 1969(a): 108) and F. Engels concluded that

in modern history at least... it is... proved that all political struggles are class struggles, and all class struggles for emancipation, despite their necessarily political form - for every class struggle is a political struggle - turn on the question of economic emancipation (F. Engels 1962: 394).

Thus an analysis of the character of working class organisation in trade unions in Uganda is essentially an analysis of struggle with the dominant classes in control of the state. It is in the context of this struggle that the legal rights of wage-labour are determined.

Dialectical materialism however goes beyond the mere principle of class struggle. It also stipulates that social change is a continual process, that social phenomena are in constant motion while this motion itself, derives from the conflict or contradiction internal and external to the given social formation. (See for instance, M. Cornforth; Mao Tse-Tung: 311-346). Dialectical and historical materialism treats a given question in its class and historical ramifications. Thus in our case the use of a dialectical and historical approach in studying the legal regulation of trade union organisation allows us to analyse the different roles played by forces internal and external to trade unions whether those forces are local or foreign to Ugandan society. In this thesis foreign forces are identified as the imperatives of the world capitalist system affecting Uganda's economy and the foreign trade union organisations of both East and West. Local forces which are essentially external to the unions are the dominant/ruling classes in control of the state who intervene in union organisation. Intra-union forces, that is forces internal to the unions, albeit interacting with the external forces (both local and foreign) are

mainly leadership struggles, constitutional mechanisms and differentiations among the workers themselves which may be economic, social, ethnic or political.

4. SOME ANALYTICAL THEMES

The analysis of forces internal and external to trade unions helps us to gauge the relative function and importance of law vis-a-vis those other forces. In order to effectively make such analysis and in order to clarify the specific contributions that this thesis seeks to make, it is important to consider some themes raised by other writers in their study of working class organisation in the African context. The first and most central theme is the character of law generally and the law regulating labour in particular. The second theme is the actual significance of law in shaping the ideological character of trade union organisation in the transition from colonialism to independence. The third theme is a contrast in the characterisation of labour and labour organisation in the post colonial period between what we call the orthodox Marxist view that adopts a "heroic mode" of analysing working class activity and consciousness and the more sophisticated analyses of the African working class that systematically take into account factors such as nationality (tribe), race, gender, status and other forms of differentiation and sources of contradiction within the working class itself. The fourth theme central to an understanding of the nature of trade union organisation is the concept of corporatism and its specific relationship to the ideologies of economism, tripartism and technocratic unionism.

(a) THE CHARACTER AND ROLE OF LAW

In the Marxist theorisation of law we can identify three dominant approaches. For some time the most influential position was that law is an instrument of class domination and oppression. This view was derived from some of the classical writings of K. Marx and F. Engels in particular K. Marx's identification of law as superstructural phenomenon (*supra*, p.13). This position was however opposed by the second approach which emphasised the ideological character of law. Although this approach does not deny the instrumentality of law for the dominant class it seeks to show that such instrumentality of law for repressive purposes is limited. Instead the emphasis is on the ideological character of law. From this point of view A. Gramsci (1971) argues that law is part of several ideological elements that the ruling class advances to achieve hegemony over the dominated classes. The specificity of the ideological character of law however seems to have become more influential from the work N. Poulantzas (1973) and L. Althusser (1971, though the latter is concerned with ideology generally and not specifically with the ideological function of law). The importance, in the West at least, of the conceptualisation of law as ideology is most clearly found in ruling class support for and insistence upon the concept of "the rule of law".

However in the late 1970s a third Marxist perspective critical of the two approaches above sought to establish a holistic materialist conceptualisation of law from the very nature of capitalist economic relations. This approach represented by J. Holloway and S. Picciotto (1978; also S. Picciotto 1979) sought to derive the form of law and state in the capitalist production

relations and took E. Pashukanis (1978) who tried to derive the form of bourgeois law from the commodity relation as their starting point. The central point of this approach is that once capitalist social relations have become dominant and "free" wage-labour has been created the liberal bourgeois state seeks to rely on the free play of market forces. The state through law reproduces the social relations of class inequality embedded in objective economic relations. But one writer, A. Hunt, has suggested that this approach is flawed because

the function of law is simply prescribed in advance by the structure of the capitalist relations of production. In other words, it is a form of essentialism in that the effectiveness or function of law is inscribed, as it were, in advance of economic relations (A. Hunt: 100).

In our view however to derive the function of law from the material conditions is not necessarily determinist. The importance of this approach is that it does not see law as external to the relations of production (S. Picciotto 1979: 168) and avoids the simple dichotomy of law as a class instrument or simply as ideology. The approach emphasises the historical specificity of law and its class character although this is masked by its formalism and apparent autonomy.

The materialist conception of law as outlined here is not entirely appropriate for our purposes for two reasons. First, it operates at a very general level of abstraction and secondly it is principally concerned with the conceptualisation of law in a society dominated by capitalist relations of production in which labour has been fully commodified. In this respect the insights it provides cannot be specifically applicable to the African situation where

capitalist economic relations exist only partially. In our case our intention is not to analyse the development of the one area of law we deal with - trade union legislation - at this level of abstraction. We do not seek to deal with the more general and abstract questions regarding the role of law in the creation and reproduction of capitalist economic relations in a peripheral capitalist society. What we seek to do at a lower level of abstraction is to trace the historical specificity of the enactment of legal rights and restrictions for labour organisation in Uganda.

With respect to the other two approaches to law, that is law as an instrument of the ruling class or as ideology this thesis contends, first, that historically there has hardly been any role for law as ideology in Uganda. Secondly, we argue that while the instrumentality of law for the ruling class has existed in specific ways, it has on the one hand been modified by ideologies other than law and on the other hand been countered by struggles of the dominated class in this case wage - labour.

The virtual absence of the ideological aspect of law in Africa has been, to some extent, dealt with by some African legal theoreticians, in particular I.G. Shivji and Y. Ghai. I.G. Shivji for instance setting out to analyse the instrumentalist, political and ideological characteristics of law in the regulation of labour in Tanzania (1986: 2-3) actually only deals with the former two. This is precisely because there existed little ideological role for law. Indeed elsewhere he explicitly argues, again regarding Tanzania, that the weakness and flabbiness of the ruling compradore bourgeoisie

find expression in lack of independence and impartiality of the judiciary while its authoritarian character as a ruling class manifests itself in lack of ideological notions of 'rights' as a central element in legal ideology. Indeed law assumes a typically instrumentalist character while legal ideology has little role in the dominant ideological formation... (which) is of course very much unlike the 'juridical world outlook' of the western bourgeoisie (I.G. Shivji 1985: 6-7).

This point has also been made more generally by other writers. Y. Ghai for instance shows how in Kenya, Uganda and Tanzania the rule of law as ideology is very limited due to political and economic instability; instead, he argues, alternative sources of legitimacy are sought in other ideologies such as nationalism, traditionalism and developmentalism (Y. Ghai 1987: 253-261; also Y. Ghai 1976; see also R.E. Howard 1985).

As far as our study is concerned we argue that at a more general level legal ideology did not provide legitimacy for the post-colonial ruling classes/groups. In particular legitimacy for the labour policies and industrial relations legislation was found in the ideology of development generally as well as in the construction of socialism (1968-1971) and economic independence under Amin. However the general ideology of development (or socialism for 1968-1971) appears not to have been sufficient to legitimate state policy in industrial relations. A more lasting ideological framework which for a while also buttressed the general ideology of development was the tripartite conceptualisation of industrial relations and the economicistic and technocratic view of trade union organisation and function. It is more lasting because, as this thesis will show, the ideology of development was discredited by the mid - 1970s while the technocratic and economicistic ideological perspectives continued to inform trade union organisation.

Apart from this ideological element a further modification of the instrumentalist view of law from our study is that the law regulating labour organisation in Uganda has exhibited political characteristics. While the control aspects of this legislation may still be viewed as an instrumental aspect of the function of law for the ruling class, the positive rights for labour have been achieved essentially in struggle. According to I.G. Shivji political characteristics of law refer to

that aspect of law which encapsulates or embodies either the results of class struggle or is meant to control the class struggle. Here too, it is ultimately the interests of the ruling/dominating class that are served. Yet they are mediated through and do embody certain partial successes and gains made by the ruled/dominated classes. Laws on trade unions and trade disputes settlement machinery may be said to be of this type (I.G. Shivji 1986:3).

In our view here Shivji seems to see law in an essentially instrumentalist perspective and views rights achieved by the dominated class as merely concessions. But our study shows that in Uganda the law analysed is more complicated than this categorisation. The law itself has proved to be an arena of struggle because in the process of its creation the ruling class has not always successfully ensured the protection of its interests as will be shown by the colonial and Idi Amin (1971-1974) periods. Moreover the existence of the legal rights for the dominated class constrains the activity of the ruling class, however marginally in

our case, as the legal and autonomous existence of trade unions demonstrated in the periods 1962-1968, 1971-1974 and 1980-1985. We view these as political characteristics of law that modify the instrumentalist perspective.

(b) LAW AND THE FORMATION OF TRADE UNION IDEOLOGY

While many writers analysing the organisation of the African working class tended to assume that trade unions were arms of the nationalist movement¹ and although this was true to a great extent, E.J. Berg and J. Butler (1964) in a seminal article, rejected the political importance of the trade union movement. They argued that in general

what is most striking about the political role of trade unions in the countries of Tropical Africa is their failure to become politically involved during the colonial period, their limited political impact when they did become involved, and their restricted role after independence (*ibid*: 340).

What was lacking in this debate for our purposes was the discussion of the role that law played in determining the inclusion or exclusion of the trade unions in the nationalist struggle and

political participation after independence. Although he does not make an assessment of the impact of law in this regard, B.C. Roberts (1964: Caps 3 & 7) indicates clearly the use of legislation as well as ideology by the British Colonial state to separate trade union organisation from political parties and the nationalist movement. For Tanzania I.G. Shivji, although noting the legal provisions meant to separate politics and trade unionism (1986: 206-208), does not assess the actual impact law made but more explicitly attributes the separation to the economicistic ideological orientation of the trade unions emanating from the Labour Department, the ICFTU, British TUC, the Fabian Colonial Bureau and the International Trade Secretariats (*ibid*: 189-192), in addition to TANU's own preference for such separation.

We argue in the case of Uganda that the trade union movement was separated from the nationalist political parties by both legislative and ideological means. The legislation, the 1952 Trade Union Ordinance defined what a trade union could be and its objects and functions. Trade union registration was compulsory and unions not conforming to the statutory definition could not and were not registered. However the actual internalisation of trade union economism by the trade union movement in Uganda was realised not by the strict application of the control aspects of the Ordinance but by the ideological-educational training given by the ICFTU. We argue therefore that the success of ideological training made the application of certain aspects of the law superfluous. (Cap II). The law only provided the framework within which the trade union ideology of economism was nurtured. The dominance of ICFTU influence continued even after independence through its African

Labour College in Kampala. However the terms of the debate changed after independence because the post-colonial government sought to incorporate trade unions within state institutions while the majority faction of the trade union movement sought to preserve its autonomy. In the long term however the economicistic ideology, though to some extent helping the unions to preserve their autonomy, crippled their vision of both the economic structure and politics of the country, narrowed their self-conceptualisation and limited their capacity for positive self-transformation.

(c) THE NATURE OF THE AFRICAN WORKING CLASS AND ITS ORGANISATION

(i) THE WORKING CLASS IN GENERAL

Apart from ideological self-conception the African working class has specific attributes which influence the character of its organisation. Here we deal with two strands of Marxist characterisation of the African working class: the orthodox one and the more sophisticated materialist analyses.

The orthodox Marxist view of the African working class had as its starting point the use of the periodisation of modes of production and the emergence of a working class everywhere as capitalism became a global mode of production. To this group the growing African working class was naturally organising in trade unions which would almost unproblematically extend into class based political parties². In 1972 J. Woddis a foremost orthodox Marxist still argued, regarding Africa:

In country after country the workers acted as pace makers of the national liberation struggle. They staged major confrontations with imperialism, organised strike struggles... General strikes became manifestations of national struggle and stirred millions into awareness of the total system of colonial oppression and discrimination, of the necessity to fight against it and of the possibility of defeating it (1972: 170)

Regarding post-colonial Africa he argued that

the African countries will either become capitalist, in which case they will be led by the bourgeoisie; or they will advance to socialism, which requires a state led by the working class (*ibid*: 171).

In the latter case what was required was "the creation of the necessary political weapon, the party of the working class" (*ibid*: 174).

Writing in the same "heroic mode" of J. Woddis as P. Waterman calls it (P. Waterman 1975: 69) I.G. Shivji characterised the 1970s sporadic workers' struggles in Tanzania in categorical terms:

the workers have definitely declared that the stage of history when they were used as cannon fodder in the intra-petty bourgeois struggles to be fast coming to an end. This time it will be their own struggles - their own class war - and the struggle of their fellow exploited class, the poor peasants that they will fight, not to replace one exploiter with another but to begin to replace the very system of exploitation (I.G. Shivji 1976: 145).

With respect to the legal dispute settlement process he argued that since "one of the most important functions of industrial relations machinery in bourgeois society is to individualise the workers and their grievances and attempt to destroy their class solidarity" the post Mwongozo era (of strikes and takeovers) demonstrated that the workers had begun to blow off "this lid of ideological false consciousness" (*ibid*: 132-133).

It is our view that this mode of analysis glossed over important characteristics of and contradictions within the working class and within trade unions themselves. However during the 1970s and thereafter more sophisticated analyses that closely looked at the material basis and social conditions of wage-labour provided more realistic views of the nature of labour organisation and its

possible future development. The simple labour-capital, dominant-dominated class analysis which informed the heroic mode of analysis was modified to integrally include other analytical categories such as the impact of nationality (tribe), race, gender, regionalism, status and skill divisions within the working class itself. Thus a collection of articles in R. Cohen and R. Sandbrook (1975) though generally underpinned by Marxist class analysis de-emphasized the heroic view and made an explicit critique of the role of labour in the nationalist struggle, their place in post-colonial capitalism and African socialism. Further the analysis of the working class was no longer solely on the conventional forms of organisation - trade unions and political parties - but sought to include other forms of organisation and what R. Cohen later called "hidden forms of consciousness" (R. Cohen 1980; 1987).

Although this thesis does not intend to go into the various forms of consciousness exhibited by the working class in Uganda, it is our contention that the organisation of trade unions in the post-colonial period was hampered by divisions within the working class itself. Although most of these divisions were expressed in terms of allegiance to different political parties the latter were themselves organised according to nationality (tribe) and religious divisions exacerbated or introduced during the colonial period.

(ii) DEVELOPMENTALISM AND THE LABOUR ARISTOCRACY THESIS

One of the special characteristics of the African working class is its small size vis-a-vis the rest of society, mainly the peasantry and its location in the modern and monetary sector of the economy. This peculiarity in the 1960s and 1970s created a

situation whereby the views of the African ruling classes seemed to converge with those of certain left-wing academics. The views of the African ruling classes were expressed in their construction of the developmentalist ideology while the academics advanced the labour aristocracy thesis.

The ideology of development essentially placed the need for economic growth in particular by relying on foreign aid and investment as a priority above everything else. Analysing the rule of law, legitimacy and governance in Kenya and Tanzania Y. Ghai for instance concluded that both states shared an "ideology of development which has been used as a powerful argument against legality. The primacy of 'nation-building', and 'economic development' has been used to justify the centralisation of power, the appropriation of surplus from rural and other communities, the outlawing of political parties and the repression of the opposition" (Y. Ghai 1987: 261). It is in this context that African governments argued that a very well-organised, autonomous trade union movement enjoying the rights of organisation and protective legislation as stipulated by ILO Conventions (especially Nos 87 and 98) would be detrimental to economic development³. The ideology of development therefore meant the control of trade unions to advance the aims of capital accumulation⁴; it entailed the post-colonial ruling classes allying with foreign capital interests to maintain labour discipline and the suppression of wage rises in order "to be internationally competitive with a host of other impoverished countries" (B. Freund 1988: 107).

The labour aristocracy thesis logic pointed in the same direction of the need to control the working class and trade unions

in particular. Originally applied to Africa by F. Fanon (1967) it held that the regularly employed urban workers in Africa were privileged in their incomes and would associate themselves politically with the ruling class rather than the peasantry and the unemployed. J. Saul and G. Arrighi extended the thesis and argued that the semi-proletarianised peasantry, unskilled urban workers still tied to the land due to poverty were the exploited while the proletariat proper - the skilled, semi-skilled manual and clerical workers - received relatively high wages and identified themselves with the local elite and international corporations in the post-colonial states (J. Saul 168; G. Arrighi & J. Saul 1970). Although the thesis was meant essentially to point to the non-revolutionary potentials of the working class the ruling classes could selectively identify themselves with aspects of the arguments to cast the "privileged" workers as exploiters of the vast peasantry.

The thesis however came under attack in the mid-1970s, (see P. Waterman: 1975, for an excellent introduction) and it has been subsequently shown that only a very small section of the working class could be said to be an "aristocracy"⁵. In particular this thesis tended to "assign a key role in the struggle for socialism to progressive bureaucrats rather than the working class" (R. Munck 1988: 54). More recently B. Freund has concluded from a general assessment of the African workers that

far from being a labour aristocracy, most organised workers in Tropical Africa, particularly those who are not in clerical jobs, suffer from basic economic grievances and experience the impact and the disappointment of the fading development prospects of the continent. Even where their wages are better than those of others, the communities they live in still benefit materially from their relative good fortune (B. Freund 1988: 108).

We argue in this thesis that labour legislation and state policy and practice in relation to trade unions in Uganda fell in the same category as that of other African ruling classes, which, under the ideology of development sought to subordinate all institutions and organisations to the goal of capital accumulation. In Uganda the ideology of development provided the justification for the restrictive 1963-1965 trade union and trade disputes legislation while between 1968-1971 an even "higher ideology", the construction of socialism was put forward to justify the further restriction of rights of all autonomous organisations, including the trade unions. (Cap III). The Amin regime sought to revive the ideology of development in the form of "economic independence" but due to the collapse of industrial production and national economic performance by the mid-1970s the ideology of development had completely been discredited in Uganda as the governments thereafter could only talk of "rehabilitation". For this reason, we argue, repression replaced both legality and the ideology of development.

(d) THE RELATIONSHIP BETWEEN TRIPARTISM AND TRADE UNION ECONOMISM

The contemporary character of trade unionism in Uganda has been to a large extent shaped by the ideological perspectives of tripartism, economism and the technocratic view of union organisation and activity. These ideological perspectives were a result of the historical domination of trade union education in Uganda by ILO and Western trade unions especially the ICFTU. The influence of these perspectives however must be analysed in the light of the corporatist policies of the Obote I regime (1962-1971) and the role of the ILO under the repressive regime of Idi Amin (1971-

1979). We shall argue that while corporatism generally and specifically in industrial relations seems to have been more or less successful in both Kenya and Tanzania in Uganda it failed. But while corporatism failed the ILO perspective of tripartism together with the ICFTU historical influence of economism have, together, continued and are responsible for the pervasive economicistic - technocratic character of the Ugandan trade union movement.

In general tripartite institutions in Africa have been concerted state employer attempts to co-opt unions to the state-capital vision of "development". Here a consensual view of industrial relations, aimed at maintaining industrial peace, was the central element of tripartism. The African post-colonial states favoured tripartism because it was not wholly inconsistent with their general corporatist policies. Corporatism itself in the African context has been generally defined as

a pattern of relationships between the state and interest groups that involves such elements as state structuring of representation that produces a system of officially sanctioned, non-competitive interest associations organised into legally prescribed functional groupings, state subsidy of these associations; and direct state control over their leadership, demand-making and internal governance⁶.

At the level of industrial relations, R. Howard views corporatism as a conceptual "division of society into three basic groups, namely, state, employers and employees" and argues that with respect to Kenya "the periodic tripartite agreements among state, employers and trade unions (there) can be interpreted as a form of corporatism" (R. Howard 1988: 241-242). On his part R. Sandbrook identifies five elements of corporatist policies towards labour in Africa: the requirement of registration of all trade unions under

restrictive conditions, the defacto or de jure abolition of the right to strike, compulsory membership of all unions in one officially recognised and state-supervised centre or federation, the grant of financial subsidies (or check-off arrangements - JB) for recognised labour organisations and finally co-optation of labour leaders into political positions (R. Sandbrook 1982: 203).

Central to the corporatist vision of the African states has been the denial of class or other forms of differentiation and an attempt to mystify the class character of state policy with structures that conceal different class interests. Thus in Tanzania, seen as the quintessential example of corporatism (R. Howard, *supra*: 242; B. Freund 1988: 97-102) the ruling and only party equated the single trade union created by state decree with a central women's group, a central youth group, and, previously, the co-operative movement and incorporated all into the party with constitutional representation in parliament. The industrial peace, deemed to have arisen partly out of this approach, albeit only for about a decade, led one writer to conclude that in the Third World policy

should not attempt to bypass or undercut the existing institutions, especially trade unions, but should seek to incorporate them into the system: compromise not defeat is the essential requirement for success (D. Jackson 1979: 251).

This approach to industrial relations in Tanzania has held for along time and to some extent in Kenya (R. Sandbrook 1982: 97, 202-'7) but has, according to other writers on Tanzania, suppressed working class action and organisation, demobilised workers' leaders into the party which made the only union an arm of the state and thus lead to incessant unofficial strikes and even factory takeovers in the early

1970s⁷. Nonetheless the corporatist structure as conceived under the Nyererian form of African socialism held together into the 1980s. The corporatist approach, however, modified ILO-type tripartism as the state and the union were more or less fused.

In the case of Uganda tripartism has had three distinct phases and operated differently. In the first instance between 1962-1968 ILO-type conceptualisation of tripartism was attempted but in the context of further legislative control over the unions and a struggle for autonomy by the trade union movement. Legally both trade union autonomy and the right to strike, though limited, still remained. In the second instance between 1968-1971 a Tanzania-like corporatist policy was tried in which the right to strike was abolished, a single central trade union created by law and subjected to more direct state control. Finally the Amin coup of 1971 reversed these policies and restored trade union autonomy between 1971-1974 but thereafter neither a corporatist nor a voluntarist industrial relations policy was attempted - the regime relied on repression as its main mainstay. Nor could a corporatist policy be attempted in the post-Amin period because there was a multi-party system which divided the loyalties of trade unions. In addition there were few material benefits for the state to dispense to the unions in return for co-operation, and above all the trade union movement was hostile to the Obote II regime which carried on in a crisis of legitimacy. However at the level of trade union consciousness tripartism, due to ILO educational dominance, came to be systematically internalised by the unions and continued to influence them into the 1980s.

This tripartite view of industrial relations fed into the economicistic perspective of trade unionism as it emphasised a consensual, non-confrontational and narrow type of trade unionism. Economism itself however can be more specifically traced to the historical influence of the ICFTU and its affiliates. It is a conceptual view that the function of trade unions is simply the struggle for better economic returns for their members without any organisational programme, as a class, to transform society in a more radical way. There are two main reasons for this. Most of the economicistic trade union movements, such as the Ugandan one, were nurtured by ICFTU and other Western trade unions in the context of the Cold War. However the argument for the need of trade union independence from both party and government generally advocated by ICFTU found favour with trade unions seeking such independence. But precisely because of this constant struggle to remain independent from state/party control or incorporation and the constant educational efforts of Western trade unions especially ICFTU and the ILO itself trade unions came to view themselves as professional collective bargaining organisations and nothing more.

In the case of Uganda historically ICFTU influence operated from the mid-1950s up to 1968 when its College in Uganda was closed while from the mid-1970s ILO education was the only systematic education trade unions were exposed to. The ICFTU and other unions returned to Uganda only after Amin's overthrow in 1979. This thesis contends that the intersection of ILO technocratic education and ICFTU economism as the main sources of organised instruction systematised the economicistic and technocratic self-conception of the unions that dominates trade union consciousness in contemporary Uganda.

NOTES - CHAPTER 1

1. See for instance R. Cohen 1974 (*Nigeria*), M. Singh 1969 and 1980 (*Kenya*), R.H. Bates 1971 (*Zambia*) and H. Friedland 1969 (*Tanzania*).
2. See B. Freund 1988:22; in the case of Uganda see R. Mukherjee 1956; and recently D.W. Nabudere 1980.
3. See G. Caire 1977; I. Davies 1966; R. Bates 1971, B. Nicol 1972.
4. See also Ziemann and Lanzendorfer 1977: 164.
5. See M.A. Bienefeld; R. Jeffries; A. Peace and J. Saul, in R. Cohen and R. Sandbrook (Eds.) 1975; also R. Hinchcliffe 1974: 56-67.
6. Collier (Ed.) 1979: *The New Authoritarianism in Latin America*, (Princeton): 400, in T. Shaw 1982: 255.
7. See I.G. Shivji 1976; M.A. Bienefeld 1979, H. Mapolu (Ed.) 1976; P.B. Miyo 1975; 1983.

CHAPTER II THE LEGAL REGULATION OF WORKING CLASS ORGANISATION :

COLONIAL FOUNDATIONS 1937-1962

INTRODUCTION

This chapter seeks to establish and explain the colonial origins of trade union and trades disputes legislation in Uganda. This is because the principles established during that period continued after independence though with considerable modifications. It is this legislation that is central to the regulation of working class organisation in Uganda.

The chapter is divided into four sections. In Section 1 we argue that because from the time of colonisation (1894) up to about the end of World War II Uganda's labour force was largely semi-proletarian and immigrant there was no material basis for its collective organisation. Consequently the initial organisations amongst Africans did not exclusively concern themselves with wage labour matters. Up to World War II labour resistance to exploitation and labour consciousness remained essentially individual rather than collective. The mid-1930s however saw beginnings of working class organisation and the first trade union was formed in 1938, the Uganda African Motor Drivers' Association (UAMDA).

Section 2 deals with the origin and content of trade union (1937-1952) and trade disputes (1949-50) legislation. We argue that the first trade union Ordinance, 1937 and its amendments up to 1943 were a product of Colonial Office directions. On the other hand, both the trade disputes and trade union Ordinances of 1949-1950 and 1952 respectively were a response to workers' struggles in Uganda

but with the immediate impetus from Kenya workers' struggles and, more generally, from British colonial experiences elsewhere. The primary aim of these statutes was to pre-empt radical left-wing political unionism and to nurture a "responsible" economicistic trade union movement.

Section 3 explains the early development of trade unions and employees associations (1945-1962). Colonial state policy initially did not encourage union development but favoured joint consultation. By the mid 1950s due to workers' resistance and growing stabilisation of labour it changed policy to encourage union growth. While trade union training by the British TUC and the ICFTU helped the development of the unions, ideologically it created a technocratic and pro-West union movement. And due to this ideological training and the weakness of the trade unions most of the provisions for state control over unions were not used in practice - they were superfluous.

Finally in Section 4 we argue that the conceptual separation of trade unions and political organisation in the 1952 Trade Union Ordinance succeeded in depoliticising workers as a class. This was not simply because of the state's partial enforcement of the law but for two other reasons. First, the nascent petty bourgeoisie organised separately, in staff associations, and had their grievances gradually redressed while the workers organised in trade unions or remained unorganised. Secondly, due to the class interests of the petty bourgeoisie who were leading the nationalist political parties on the one hand and the ideological training the unions received (of trade union economism) on the other, a defacto separation not only of trade unionism but also of workers as a class and politics was achieved.

The centrality of class struggle in the creation and maintenance of working class rights and the importance of the balance of class and social forces in the actual enjoyment or restriction of these rights will be demonstrated more closely in the post-colonial period. We argue throughout this thesis that the character of the state and the ideological outlook trade unions took of themselves right from the colonial period, though with some differences and modifications after independence have determined the extent to which law has been used, ignored or misused by the dominant class in the period 1962-1987.

1. SEMI-PROLETARIAN LABOUR AND BEGINNINGS OF ORGANISATION 1900-1945

(a) SEMI-PROLETARIAN IMMIGRANT LABOUR AND LACK OF ORGANISATION.

In Uganda the period before 1945 saw little attempt by wage labour to collectively organise itself. The main reason for this was that this labour was both semi-proletarian and immigrant. Though the British Protectorate Government was established over Uganda in 1894 (D.W. Nabudere 1980: 28) the basis for the country's colonial exploitation began only with the 1900 Buganda Agreement (UP 1951) whereby land distribution between the colonial state and the Buganda kingdom hierarchy and private landlords was made. Between 1900-1909 colonial policy was to create a "voluntary" supply of labour for government, Christian missions, private settlers and planters by the imposition of various taxes on the African population (P.G. Powesland: 13-14). This policy had only limited success in forcing Africans to work and labour shortage persisted.

From 1909-1922 therefore the colonial state introduced a paid forced labour system called kasanvu whereby every tax-payer was

obliged to work "for the usual wages, for at least one month in each year" unless engaged in permanent employment¹. But this system was unstable and unpopular and led to the emigration of peasants in protest. Subsequently due to protests in Kenya against forced labour there and the Buganda Chiefs' protest at the social effects of this system it was abolished in 1922 (M. Singh 1969: 9-15; ibid 32).

Prior to 1922 therefore wage labour mainly consisted of peasants who worked only part of the year essentially to fulfil kasanvu obligations. But the abolition of kasanvu exacerbated the shortage of labour for the colonial state and economy. A Labour Department was therefore established in 1925 and a private Recruiting Organisation approved by government (P.G. Powesland: 39-40) to oversee and recruit immigrant workers respectively. Most labour in Uganda therefore came to be immigrant but in two senses. First as most economic and state activity was located in central Uganda (Buganda) most wage labour came from the Northern and Western Regions. Secondly, in fact the majority of labourers for a long time came from outside Uganda (especially Ruanda and Burundi) (See for instance UP 1938: 18). This situation was to change only after World War II. But apart from being immigrant this labour was predominantly casual (*ibid.* par as. 69-80). It was this type of semi-proletarian labour, immigrant and casual, that was not susceptible to organisation. M. Mamdani has summarised this situation succinctly:

Migrant, short-term, and highly mobile, this type of labour was least susceptible to being organised to defend its working class interests. Common interests born out of temporarily shared working conditions were themselves temporary, and could at best beget temporary organisation... The

agricultural workers employed by the Buganda kulaks (rich peasants), on the other hand, were temporarily employed and geographically scattered, two to three on a farm, and were concentrated in neither time nor space (M. Mamdani 1976: 150).

(b) INITIAL ORGANISATIONS

The initial organisations and resistance against the colonial status quo centred on the 1900 Agreement distribution of land but by the 1930s organisation had widened to include opposition to racial discrimination in trade and employment especially in the Civil Service. It is also in the 1930s that beginnings of labour organisation are discernible.

Ever since the signing of the 1900 Buganda Agreement peasants (bakopi) and Clan Heads (Bataka) opposed the land settlement. The Bataka Movement, as it was later called, was however compromised with the passing by the Buganda Lukiko (parliament) in 1927 of the Busuulu and Envujjo Law which gave security of tenure to peasants by fixing rent (busuulu) and tribute (envujjo). And so long as the peasant met these obligations and kept the land cultivated - due to metropolitan demands for cash crops especially cotton - he could not be evicted except by Court Order (See D. Apter: 141-150; R.C. Pratt: 236-238). This law compromised the Bataka Movement by curtailing the landlords' access to the social surplus. These landlords therefore organised in Bulunge Bua Buganda but their narrow base led to the organisation's demise being replaced by the Uganda African Welfare Association (UAWA) in 1934 (M. Mamdani 1976: 173). UAWA mainly wrote petitions and raised various complaints². But although the UAWA advanced the grievances of peasants, traders and workers it was essentially a paper organisation. The Resident of Buganda was

able to note that it owed "its continued existence to the enthusiasm of its "President-General" and were he to disappear little further might be heard of it"³.

As the methods of UAWA did not achieve much in 1938 two other organisations were established: the Bana ba Kintu (Descendants of Kintu) and the first trade union, the Uganda African Motor Drivers Association (UAMDA) (M. Mamdani 1976: 173; R. Scott: 9). Although the Descendants of Kintu primarily articulated the grievances of rich peasants and traders it also articulated general demands including those of wage-earners. It brought within its organisational fold "all the disaffected social groups in Buganda" and its membership included the founder and leader of UAMDA, James Kivu (M. Mamdani, *ibid*: 175-177).

At this time the only organisations of wage earners were the Civil Servants' Association though distinct groupings of wage earners in other sectors were developing. In 1938 the Inspectorate of Labour reported that there was no trade union in the accepted sense as yet in the Protectorate "apart from the association of civil servants... the Uganda African Civil Servants Association, the Uganda Asiatic Civil Service Association and the European Civil Service Association". It noted however that "there are some indigenous formations among Africans in the nature of guilds and craftsmen and artisans; and beginnings are visible of a tendency to groupings, such as of bus drivers, which have some affinity to trade unions as well as to co-operative societies" (ARIL 1938: 7).

The Uganda African Civil Servants Association (UACSA), originally called the British Government Native Employees Association (BGNEA) when formed in 1922, championed the interests

of African clerks and professionals trained at Makerere College: medical, veterinary, agricultural and engineering assistants (N.A. Motani: 17-19; E. Goldthorpe: 10-13). The main driving force of UACSA was dissatisfaction with racial discrimination in the civil service terms and conditions of work (M. Mamdani, op. cit 164; N.A. Motani: 17-69). But the colonial civil servants were a rising petty bourgeoisie and had little contact with unskilled labourers. Many of them were eventually appointed chiefs, others eventually becoming ministers in the Buganda Government (N.A. Motani, ibid. 22-23, 25, 70). In addition most used their comparatively higher wages to become successful farmers or traders.

To a great extent too UAMDA, the first trade union which was registered in 1939, (ARIL 1939:3) was a diffuse organisation. (On compulsory registration see infra: p.43). Its membership was drawn from the young taxi drivers in Kampala and also the taxi owners so that "it demanded higher wages, and at the same time, high government subsidies for the owners" (R. Scott 1966: 9). Similarly it directed petitions to the Fabian Colonial Bureau in England and to the colonial state demanding freedom of operation for Africans in transport business and freedom of farmers to sell products without intermediaries⁴. At the same time, for instance in 1944, it demanded a better scale of wages for all bus and lorry drivers; but "the main activities of the Association" according to the Labour Department "continued to be directed towards internal political affairs, especially those concerned with the Kingdom of Buganda (ARLD 1944: 7). In short

The organisation of...workers' grievances was neither in opposition to, nor distinct from, those of the petty bourgeoisie. In fact although (UAMDA) was ostensibly a workers' association, the workers'

interests were at times subordinated to those of the petty bourgeoisie -precisely because these interests had not yet emerged as distinct. Their point of unity was their opposition to the colonial order (M. Mamdani 1976: 177).

In the late 1930s and the early 1940s workers' collective action, especially in strikes, was limited, though present. The UAMDA seems in fact to have had no role outside its own jurisdiction in spite of being the only trade union. The first recorded strikes took place in 1938. Eight strikes in all took place among the Kampala township labourers, the Post Office, Railways, Land and Surveys, the Drainage and Severage Works and at the Lugazi Sugar Estate, as a result of which wage increases were granted (ARIL 1938: 7-8). In 1940 three strikes took place at a coffee plantation, in the Public Works Department (PWD) and township authority in Kampala over the coffee picking task and hours of work respectively (ARIL 1940: 3); while in 1942, again at Lugazi Sugar Factory, a violent strike againstan Indian overseer and the cane cutting task size occurred ending only after deployment of police and the imprisonment of 43 workers (ARLD 1942: 1-2). In 1944, five strikes took place in the same areas and at a tea estate. Higher wages to cover increased food ration costs were demanded and long working hours without a break "on top of a walk of several miles to the scene of work for most of the labour employed" were objected to by construction workers (ARLD 1944: 6).

Nonetheless in spite of the growth of collective consciousness even in the absence of trade unions, workers' resistance to poor conditions of work remained mainly individual at this time. This was expressed mainly through absenteeism and desertion. At the sugar plantation for instance, in the 1940s absenteeism averaged to

35% daily, out of about 12,000 employees (A.I. Richards (Ed) 1952: 120). At the Uganda Sugar Factory, Lugazi in 1937 out of 2393 contract labourers from W. Nile 400 (17%) deserted while 14% of the Banyarwanda labourers also deserted. In 1939 45% of the West Nilers and 13% of the Banyarwanda deserted while in 1941 45% and 16.5% respectively deserted (UP 1941: 5).

Thus before 1945 wage-earners in Uganda, predominantly semi-proletarian and immigrant, were largely unorganised with the exception of the civil servants and the diffuse UAMDA. Though collective action in strikes was taking place it was still limited and spontaneous without sustained organisational backing such as a trade union could give. It was only a change in the objective and subjective conditions that would alter this state of affairs.

2. THE INTRODUCTION OF TRADE UNION LEGISLATION 1937-1952

a) TRADE UNION LAW – PHASE I: 1937-1943.

In 1937 the first trade union statute, the Trade Union Ordinance (No. 18/1937) was enacted in Uganda. It was a simple Ordinance whose enactment had more to do with developments in either British Colonies and Colonial Office strategies than with the organisation, at the time, of Ugandan workers. In Uganda, unlike Kenya for instance, trade union legislation preceded trade union organisation.

The initiative for enacting the Trade Union Ordinance came from the Colonial Office and was contained in the September 1930 despatch to the Colonies by the Secretary of State, Lord Passfield. The despatch was a response to labour disturbances and strikes in some colonies like India and the Gambia (M. Nicolson: 178-179). The

aim of the measures proposed in the despatch was to forestall the development of a militant politically-directed trade union movement in the colonies. In the 1930 Conference of Colonial Governors and senior officials Lord Passfield had warned them that as wage labour increased, they would begin to be "troubled" with trade unions and would have to take steps to regulate their existence and operation (*ibid*: 179). In particular the Colonial Office sought to exclude communist influence as in India from trade unions (B.C. Roberts: 172-180; M. Nicolson: 178-180). So colonial trade unions had to be controlled by the state. The despatch explained:

Without sympathetic supervision and guidance the organisations of labourers without experience of combination for any social or economic purposes may fall under the domination of disaffected persons by whom their activities may be diverted to improper and mischievous ends...it is the duty of colonial governments to take such steps as may be possible to smooth the passage of such organisations as they emerge into constitutional channels⁵.

As an example an office draft of the despatch had commented about the Kikuyu Central Association of Kenya as an association which would serve a useful purpose for the expression of opinions provided that it was "not allowed to drift into hands of undesirable extremists"⁶.

But with the resignation of the Labour Party Government in 1931 the Conservative Party made it clear that it would not press for the implementation of the despatch. Most colonial governments and European employers also opposed the enactment of legislation permitting the formation of unions - arguing that there were too few wage earners and that even for the few that existed the tribal systems of mutual assistance protected them. Consequently the enactment of trade union law was shelved by most. (*ibid*: 181).

Subsequently Uganda enacted Trade Union Ordinance in 1937 but only to conform with similar enactments in Kenya and Tanganyika. The Kenyan Ordinance was itself introduced as a result of developments elsewhere as much as workers' struggles in Kenya. Following strikes and disturbances in the Caribbean Territories in 1935 and 1937 the Colonial Office sent despatches to colonies urging them to improve labour conditions and set up or strengthen Labour Departments or Inspectorates, the 1937 one being more urgent (B.C. Roberts: 182-3). At the same time the Secretary of State for Colonies sanctioned the introduction of trade union legislation in Kenya as an immediate response to the 1937 strikes (M. Singh 1969: 61). The circumstances were that in April 1937 all Indian artisans had gone on strike disrupting all construction work on new buildings in Nairobi. This had been followed by several strikes by African workers in various companies and in different towns between April and May.

It was as a result of the April Indian strike that "it was decided to introduce trade union legislation and a Bill to provide for this for all races was passed by Legislative Council in August". The Kenyan government also observed: "natives have as yet no organised trade unions but there is no doubt they took a great interest in the Indian strike and ere long they will endeavour to form their own unions"⁷. Moving the Bill the Attorney-General stated the objectives of the colonial state:

From the evidence brought to light by the strikes it was apparent that there had been an attempt to organise labour in Kenya under the guise of trade unions on a class basis. One object of the Bill was to prevent all irresponsible agitators from causing trouble among labour in the Colony⁸.

One European paper further explained, that in a country with a large African population

so suitable for dangerous manipulation by professional political agitators, and where already there is evidence of the infiltration of doctrines of social and political philosophy foreign to conditions of African life and government, the state (was) fully justified in seeking legal powers to confine the activities of Trade Union organisation to legitimate Trade Union purposes⁹.

On the 10th August 1937 the Trade Union Ordinance of Kenya was therefore passed to try and channel workers grievances into controllable and state-directed institutions - the registered trade union.

On 2nd September 1937 the Trade Union Ordinance of Uganda was also enacted. The attitude of the colonial state to trade union legislation can be clearly deduced from its observations in 1939 when postponing the enactment of provision for peaceful picketing and trade union immunity from tort actions:

there is only one trade union in Uganda (the UAMDA) which was registered early in 1939, so that, to begin with, this legislation is not likely to be of appreciable effect or value; and it is open to doubt whether the formation of other unions will be encouraged by providing these statutory rights. They have however been provided in Kenya and the Tanganyika Territory, and in matters of this kind uniformity is regarded as expedient (ARIL 1939: 2-3).

It may be said therefore that workers' struggles elsewhere and Kenya in particular provided the impetus for the 1937 trade union law in Uganda; but the use to which such law could be put depended upon the level of organisation and consciousness of the Uganda workers themselves.

But what was the content and importance of the 1937 Ordinance?

The primary importance of the 1937 Ordinance is that for the first time in the history of wage labour in Uganda the right to form a trade union was granted. Following the U.K. 1871 Trade Union Act union restraint of trade would not be deemed criminal conspiracy. (S.3(1)) nor would it be unlawful "so as to render void or voidable any agreement or trust" (S.3(2)). But these immunities would apply only to a registered trade union (S.3(3)).

Indeed the cornerstone of the Ordinance was compulsory registration. Failure to register a union within 30 days of formation (S.5(1)) or participating in its meetings or proceedings was an offence (S.10). State regulation and control of the unions was vested in the Register of Trade Unions, appointed by the Governor (S.4). The requirements for registration were however mainly formal. Only a minimum of seven members was required; and a disclosure of sources of union funds (S.6(a)). Further requirements were: the name and office of the union; objects of the union subscription rates and fines and purposes for which the funds would be applicable; manner of making and altering rules; appointment and removal of officers; the treasurer's duties and keeping of proper and periodically audited accounts; and right of union members or any person with an interest to inspect books (S.6(b)). If these matters were provided for in the Union's Rules and the Registrar was satisfied that the purposes of the union were not unlawful, he was required to register the union (S.8).

The Registrar was also empowered to cancel the registration of any union: at the request of the union or if the registration was obtained by fraud or mistake or if it violated any provisions of the Ordinance or rules thereunder or if it had ceased to exist

(S.17(1)). But as the prerequisites for registration were themselves mainly formal cancellation was not necessary a powerful instrument at this time.

Regarding union administration the emphasis was on proper accounting. Every union treasurer had to render quarterly accounts, or more often if the rules so required, which had to be audited. The union was required to provide annual returns: a statement of accounts and a copy of alterations of rules and changes of officers, to the Registrar (S.13).

In 1941 and 1943 amendments were made to the 1937 Ordinance. These amendments were a result of British politics during the Second World War. Due to the existence of a coalition government in Britain and the Labour Party specifically, the Colonial Development and Welfare Act 1940 had been passed.

On the insistence of a group of Labour M.Ps... the Act included clauses stipulating that no territory might receive aid under its provisions unless it had in force legislation protecting the rights of trade unions, and unless the works for which the aid was to be used were carried out under a contract which embodied a fair wages clause, and which forbade the employment of children under the age of fourteen... (B.C. Roberts: 188).

Then in 1941 a model Trade Union Ordinance, based on British legislation and practice was sent to all colonies in a circular despatch by the Secretary of State (*ibid.* 262). It was this despatch and the provisions of the Colonial Development and Welfare Act 1940 that led the colonial state to enact the 1941 and 1943 amendments.

The importance of the 1941 amendment Ordinance (No. 46 of 1941) was that 1) it legalised peaceful picketing and 2) granted trade unions immunity from tortious action committed by or on behalf of a

union "in contemplation or furtherance of a trade dispute". This amendment followed the U.K. 1906 Trade Disputes Act. But these rights and immunities were challenged by the employers. J. Simpson, a European employer and unofficial Legislative Council member opposed the provision for immunity in tort actions because, he argued,

the officers and members of the trade unions in this territory are likely to be irresponsible people and it is also quite likely that they would incite members to damage property but if the trade union funds were liable to be attached for the repair of such damage then I think they would be less likely to take any such action (UP 1941 (a): 8).

The provision was nonetheless passed because the colonial state was interested in conforming to Colonial Office directions and receiving development funds. After all apart from the ineffective UAMDA no trade union existed. Thus the Attorney-General explained regarding the 1943 Ordinance that the aim was "to amend the law regarding trade unions, in order that the requirements of the Colonial Development and Welfare Act 1940, in regard to trade union legislation may be fully complied with" (UP: 1943: (Ag. A-G) 11-12).

The objective was to secure funds for

colonial development but the Secretary of State had to be satisfied that the colony in question provided reasonable facilities for the establishment and organisation of trade unions. The new law was to consolidate and amplify existing law in accordance with a model Ordinance prepared by the Colonial Office (ibid. 12).

The 1943 Trade Unions and Trade Disputes Ordinance (No. 9/1943) replaced the 1937 Ordinance and brought in some new provisions. The main innovations were that, first, both civil and criminal conspiracy would not be maintainable regarding a combination or agreement "in contemplation or furtherance of a trade dispute"

(S.22(1)). This followed S.3 of the U.K. Conspiracy and Protection of Property Act 1875. Secondly, following S.3 of the 1906 U.K. Act liability for interference with business, trade and employment was also removed so long as the act in question was also "in contemplation or furtherance of a trade dispute" (S.23). Finally under S.12(3) a right to appeal to the High Court against a refusal of registration was now given. Thus to a great extent the 1941 and 1943 positive provisions were a result of workers struggles in Britain who had overturned unfavourable common law judicial anti-union decisions (see Wedderburn 1971: Chaps 7 & 8) and also Labour Party struggles in the Coalition government.

There is no recorded evidence that trade union law between 1937 and 1943 had any practical importance. It had been initiated, in Uganda, by the colonial state and not by workers' demands or struggles as in Kenya for instance. Although it is claimed by one writer that the Kenyan based Labour Trade Union of East Africa (L.T.U.E.A.) had recruited members in Uganda with branches in Soroti, Tororo and Kampala following the 1937 strikes in Kenya (M. Singh 1969:66), there appears to be no records of its activities in Uganda apart from a memorandum written on the 1938 Report of the Committee of Enquiry into the Labour Situation in Uganda (UP: 1938; ibid. 73). Although L.T.U.E.A. was actually registered in Tanganyika as the first trade union there (ibid. 70; I. Shivji 1986: 161) attempts to get registered in Uganda were not successful, it is claimed, due to the war situation (M. Singh, ibid.). On the other hand for UAMDA, apart from being allowed to exist legally, the law seems neither to have encouraged or discouraged its operation. Because labour was largely unorganised both the colonial state and

European and Asian capital did not have much apprehension except for the occasional strikes and were generally unconcerned about the otherwise liberal and positive provisions of the law. It was not until the 1945 General strike, subsequent politically-motivated strikes and the 1949 peasant uprising - in addition to strikes elsewhere, especially in Kenya - that the application and even strengthening of the law against a militant and politicised nascent working class movement arose.

(b) THE 1945 GENERAL STRIKE AND ITS SIGNIFICANCE

A significant event which changed the colonial state's attitude towards workers and led, to a great extent, to labour reforms among other wider reforms, was the 1945 General Strike. At a more general level it was a worker-peasant alliance against the colonial state and its comprador Buganda Kingdom regime. The strike precipitated the colonial state to enact legislation protective of labour and was part of a process leading to institutionalised industrial relations.

The strike was led by UAMDA and the domestic workers in the urban centres. The first stoppages occurred in Government Departments early in January in Masaka, Entebbe and Kampala (ARLD 1945: 5). But the co-ordinated general strike commenced on 15th and lasted until 24th January 1945. The strike spread from Kampala and the Polish Refugee Camp at Koja to most of the towns in Uganda. Almost all workers in both public and private undertakings took part in the strike (UP1945: paras. 34-36; 59, 68-69). In the rural areas in Buganda peasants settled scores against Indian traders and ginners. While the domestic workers provided leadership in the

towns, rich peasants did so in the countryside and motor drivers, organised in UAMDA, provided communication links from town to town and town to rural areas.

The workers demanded an increase of the war bonus and the application of the Minimum Wages Ordinance 1934. More specifically it is reported that the strike organisers had held out to the workers that some £8 million had been sent by the Colonial Office from the Colonial Development Fund for the express purpose of wage increases throughout the Protectorate.

These increases were put at fantastic figures, roughly doubling existing wages, and were said to be due to come into force on 1st January 1945. When the expected millennium failed to materialise on the due date the people were led to believe that the Protectorate Government were wrongfully retaining the money (*ibid.* par. 17F).

The fact however is that it was the general demand for wage increases that united all the workers around the strike. On the other hand peasants and the intelligentsia demanded political and democratic reforms (R. Mukherjee 1956: 275; UP1945 *ibid:* par. 18D; Low and Pratt: 273-274). The Commissioner who inquired into the "disturbances" as the strike was officially called, recognised the democratic demands of peasants and the intelligentsia:

I suggest that consideration be given to the question of altering the constitution of the Lukiko (Buganda Parliament) so as to give direct representation to the non-chief educated class (teachers, medical officers, clerks, etc.) and to the bakopi (peasant class) (UP;1945 : *ibid:* par. 77).

The colonial state however sought to underplay the leading role of the workers, both the domestic workers and motor drivers (in UAMDA) and attributed the leadership of the strike to "outsiders".

The Labour Department reported:

It early became evident that the disturbances were pre-arranged and organised by a group of Baganda, some of them highly placed, to suit their ends and as part of a conspiracy to obtain office for themselves or their nominees, or they may have had even more sinister and far reaching designs. They succeeded by the promise of fantastic wages and other means in enlisting the support of a large number of labourers and the like... with the intention of paralysing all public services and so disrupting the general life of the community that chaos would supervene and thus afford the organisers the opportunity to seize power in the Kingdom of Buganda (ARLD 1945:6).

The immediate response of the state was repression: arrests of over 500 people were made (UP1945: par. 54) and the workers leaders J. Kivu President of UAMDA, I.K. Musazi and others were immediately deported. The Deportation Ordinance was twice amended in 1945: first, to prevent a deportee from leaving his place of deportation and to give more supervisory powers over deportees to the Governor (UP: 1945(a); Ordinance 1/1945) and second, to allow the arrest of deportees without warrant and to regulate their outside communications (UP1945(b); Ordinance 14/1945).

But having violently suppressed the strike - as eight Africans had been killed and fourteen wounded by the army - (ARLD1945: 6) the colonial state was forced to make political and labour reforms. For the first time Africans were appointed to the Legislative Council in 1945 and elected representatives were, also for the first time, introduced into the Lukiiko (Buganda parliament) (D. Apter: 231-2). From now on political and democratic reforms were put on the agenda.

In the labour field however the significance of the 1945 strikes was that they precipitated the colonial state's enactment of protective provisions hitherto shelved in spite of Colonial Office

directives or recommendations since the 1930s. The major legal developments were the enactment of the Employment Ordinance (No. 13/1946) replacing the Masters and Servants Ordinance and the Workmen's Compensation Ordinance (No. 14/1946).

Apart from trade union legislation between 1937-1943 the Protectorate Government had shelved most colonial office directions for the improvement of labour conditions. But the desire for Colonial Development and Welfare Funds had led the Government to set up, in 1942, the Labour Advisory Committee (composed of Government and employers' representatives, with a big Government majority). This Committee had in fact been previously a sub-committee of the Development and Welfare Committee (ARLD 1941: 1). The Committee was examining various ILO Conventions and Recommendations accepted by Britain with a view to giving them statutory footing. However even when the Labour Department had been re-established in 1943 (ARLD 1943: 1) the main concern during the war was the provision of conscripts for the army and the production of raw materials for "the war effort" (ARLD 1942: 1; 1943: 2-3; 1946: 2-3; B.C. Roberts: 212-213).

Having suppressed the strike the Government sought to redress workers' grievances but presenting the reforms in a paternalistic way. On workmens compensation the Labour Advisory Committee submitted its final report in October 1945 (UP1946: 4). Although employers' representatives sought to exclude most enterprises and especially agriculture from the application of the Bill the Government was firm and the Ordinance was passed. It had taken the strike for this Ordinance to be passed because though a Workmens Compensation Model Ordinance (East and West Africa)

prepared by the Colonial Office existed since 1937 (ARLD 1945: 8), due to employers objections it had been shelved indefinitely in the whole of East Africa (ARIL 1939: 2).

Regarding the Employment Bill the Labour Commissioner argued that

until workers of this country are able to organise themselves into Associations capable of understanding collective bargaining, the Government through the medium of its departmental officers concerned must continue to be responsible for the welfare of the worker... (UP 1946(a): 17).

But more significantly he encouraged employers to employ Welfare officers to keep in touch with workers' feelings before they became grievances, strikes and disturbances, adding "I do not think that labour is inclined these days to remain passive as it has done in the past" (ibid: 20). The Employment Bill therefore sought to enact provisions protective of labour; in particular it sought the full application of the Convention No. 65 of 1939 "in the progressive abolition of all penal sanctions for breaches of contracts of employment by indigenous workers" (ibid: 13). It also aimed at ensuring that employers provided a specific type of minimum housing, diet and medical care and the prohibition of the truck system - implementing Art. 35 of Recommendation No. 70 of the 1944 ILO Conference. The Bill also sought to implement the 1936 Recruiting of Indigenous Workers Convention No. 50 which sought to regulate the movement of recruited workers from places of employment, and for their care and feeding during the journey, among other things. Provisions borrowed from Nyasaland were also made: to regulate professional recruiters, as touting and intimidation of the immigrants in Uganda had been rife (ibid. 15-16); see the Employment Ordinance 1946, ss. 39-56; ARLD 1944: 5).

Apart from these accelerated reforms it was also now felt that state control over labour should be increased. The Labour Advisor to the Secretary of State for Colonies, Orde Browne had concluded for instance that because "the Labour Department, is at present constituted on a very modest scale,... this undoubtedly formed a contributory cause in the events leading up to the recent disturbances" (Orde Brown: 93). In the long term therefore the strike also provided the backdrop for future state supervision and control of workers' organisations.

(c) TRADE UNION LAW - PHASE II: 1949/50 - 1952

The reformative solutions of 1945-6 aimed at resolving labour grievances proved short-lived and insufficient because further developments necessitated a clearer demarcation of workers rights especially organisational ones. The Trade Disputes Ordinance 1949, as amended in 1950, and the Trade Unions Ordinance of 1952, were introduced as a result of developments in workers' and general anti-colonial struggles in Uganda though the specific events that precipitated their enactment, especially the 1950 and 1952 statutes, were struggles of workers in Kenya. The Trade Disputes statute sought to de-radicalise and institutionalise workers' protests while the Trade Unions one was more involved. In principle it aimed at generating basic trade union rights and freedom of association but these were to be enjoyed under state control and tutelage. Further, we argue that the provisions of this Ordinance can be divided into those meant to ensure state control and those that were paternalistic. State control was to be achieved through compulsory registration and supervision and was aimed at pre-empting the

development of a politicised left-wing trade union movement. The paternalistic-democratic elements were concerned with the union constitution, property and funds and represented the long term vision of the state which preferred institutionalised industrial relations, albeit economicistic in character.

(i) THE TRADE DISPUTES (ARBITRATION AND SETTLEMENT) ORDINANCE 1949

Following the 1945 General Strike and before the 1949 peasant uprising in Buganda several other strikes had taken place and were to a great extent politically motivated. Although only four strikes are reported for 1946 (ARLD 1946: 10-11), strikes progressively increased with a particularly militant one at Kakira sugar works in 1947 (ARLD 1947: pars. 73-74). In 1948, eleven strikes took place and a number of them were related to general political unrest but centering around the question of annual wage increments while at one sisal estate workers forced the removal of a repressive Manager (ARLD 1948: pars. 63-65). Then in 1949 there were 69 strikes with 18,973 man-days lost and 11,377 workers involved (ARLD 1949: 21, Appendix X). Most of these took place early in the year and were clearly political. The Labour Department observed,

the rush of strikes (over 30 in 12 days) which erupted round Kampala early in January and spread through Busoga as far East as Mbale might have developed into something in the nature of the general strike...there is little doubt that most of the trouble was caused by political agitation. As it was, prompt action by Mengo and Jinja Offices in dealing with each stoppage separately before any of them had had time to coalesce, resulted in a resumption of work... (ARLD 1949: 15).

These strikes had then been followed by a peasant uprising in Buganda in April 1949. The demand centred upon political and economic reforms. The peasants demanded to elect their own chiefs,

the increase of elected representatives in the Lukiko, the resignation of the then Buganda government, on the political side; and on the economic side that growers should gin their own cotton and sell their agricultural products directly wherever they like (UP 1949: 22).

Although the question of dispute settlement legislation had been discussed earlier the strikes of January 1949 and the peasant uprising which led to break down of formal government in Buganda (M. Mamdani 1976: 182) forced the government's hand. The original Bill dealt with simple voluntary conciliation and arbitration (UP 1949(a)). By July 1949 however provision dealing with the settlement of disputes in "essential services" were added due to "widespread feeling" that "trades disputes which arise in (public) undertakings and services should invariably be settled by suitable machinery and should not be permitted to cause dislocation or definite harm to the community" (UP 1949(b) (L.C.): 36). As one writer observed, all in all "strikes may well have been uppermost in the mind of the Governor and Executive when the Bill was published, although this was never clearly stated" (B. Nicol 1972: 39). But the Labour Commisioner had been quite specific, in opposing those who regarded the Bill as premature. "We have had disputes", he argued,

"and we shall have disputes, but unless people understand that there are reasonable ways of settling those disputes, and unless they are given voluntary machinery to do so, I do not see any hope of reducing those disputes and they may in fact increase" (UP: supra, 40).

Although originally the Bill also included minimum wage provisions, this part was excised from it, due to strong opposition from employer interests, and the Trade Disputes (Arbitration and Settlement) Ordinance (No. 19/1949) was passed in July (ibid. 41).

There were two particularly important aspects of the Ordinance. The first was that for the first time a statutory dispute settlement process was instituted. For general disputes however the use of the dispute settlement process was voluntary because both parties would have to consent to the appointment (ad hoc) of an arbitration tribunal by the Governor (S.3, Ord. 19/1949). The Second, was that, in the so-called essential services. compulsory arbitration was instituted. No employer would declare a lockout or any worker a strike unless the specified arbitration procedure had been followed (S.14). The essential services were water and electricity (public utilities) and public health, hospital and sanitary services (Schedule, Ord. 19/1949).

The in 1950 the 1949 Ordinance was amended. Two innovations were made. First the scheduled essential services were increased by including those similar services rendered by the private sector and provision made for the Governor to reduce or increase the scheduled essential services (UP 1950: 64; S.3 Ord. 23/1950). Secondly following the U.K. 1927 Trade Disputes and Trade Unions Act, conselling and procuring strikes by any person whether a trade union official or not before complying with the statutory dispute settlement procedure was made an offence (S.6 Ord. 23/1950).

The concept of essential services had been abstracted by the Colonial Office from the 1926 General Strike in Britain and experiences in other colonies. In Uganda the tightening up of the law in 1950 was precipitated by a General Strike in Kenya that year. The 1950 amendment had been introduced bearing in mind "recent occurrences elsewhere"; specifically on the question of financial support for strikes (prohibited by S.6, Ord. 23/1950) the Attorney-General argued,

the need for this may not be apparent in the Protectorate but it was in some instances which occurred not so long ago elsewhere and where it was of immediate or would have been of immediate use, and in my opinion it would be wise to take advantage of that experience with a view to prevention here (UP 1950: *supra*. Emphasis JB).

Finally, the colonial state argued that only when dispute settlement failed was a strike justifiable. Above all there was no excuse for "a strike which deprives the public of essential services; the public has a right to be protected from purely political agitators, and this measure should receive the fullest support of all men of goodwill" (*ibid*).

It may be said in conclusion that bearing in mind the 1945 general strike and several strikes thereafter, the 1949 peasant uprising and the recent general strike in Kenya, in May 1950, the colonial state was taking steps to prevent the coalescence of economic and political organisation by workers and other social classes, by enacting the 1949-1950 trade disputes legislation. This legislation marked a shift of strategy by the colonial state from little concern about labour unrest and the use of criminal sanctions such as deportations of leaders to an institutional model of resolving industrial conflict. The Trade Union Ordinance 1952 was to consolidate this approach.

(ii) THE TRADE UNIONS ORDINANCE 1952

Uganda's 1952 Trade Unions Ordinance (No. 10/1952) which forms the foundation of the post-colonial law in most respects was part of the general attempt by British colonial governments in East Africa to stem radical and left-wing political unionism, especially as was emerging in Kenya and as had emerged in the Asian colonies, before

it was too late. At the same time the development of an apolitical economicistic trade union movement would be encouraged by vesting of control and supervisory powers in the Registrar of Trade Unions.

Opening the debate on the Bill the Labour Commissioner explained,

In this territory there has so far been extremely very little interest in genuine trade unions, and by genuine, I mean a spontaneous movement among the workers themselves to combine together to improve their own working conditions; but experience in the neighbouring East African territories has clearly shown that the provisions of the existing Ordinance fall short of what was intended when they were enacted (UP: 1952, L.A. Mathias, L.C.: 45).

He further observed that following meetings and discussions of the East African Labour Departments, new Trade Union Bills had been agreed upon. He continued:

This Bill... is being brought in now not because there is at present any great demand in this country for the formation of trade unions, but so that when that demand does arise we shall have an adequate measure providing for their guidance until they can assume the responsibilities of trade union status (*ibid*).

The need to enact the new Ordinance followed workers' struggles in both Tanganyika and Kenya but especially the latter. In 1950 following a dockworkers strike in Tanganyika over 80 arrests had been made, many skilled workers lost their jobs and the Dockers' Union - the most militant union - was deregistered (I.G. Shivji 1986: 174-177). In Kenya too following the General Strike in the same year leaders of the only trade union federation, the E.A.T.U.C. (East African Trade Unions Congress, formed in 1949), had been banned and several trade union leaders arrested. These events led to an upsurge in trade union organisation and militancy. At the same time the Mau Mau (Land and Freedom Army) and Jomo Kenyatta's

Kenya African Union (KAU) had been formed and were demanding back African land and independence (See M. Singh 1969: 288-296; A. Amsden: 30-44). In Kenya leaders of the trade unions (13 unions in 1952, R. Scott: 18) were also members of and many became leaders in both Mau Mau and KAU (M. Singh 1980:5; Berg. E.J. and Butler, J. 1964: 347-348,372).

What is important for Uganda is that it was these developments, coupled with the 'political' strikes in Uganda itself between 1945-1950, that led to the enactment of the 1952 Trade Union Ordinance. At amore general level, the tightening up and enactment of new provisions for controlling trade unions in East Africa was a result of a long history and experience of British colonialism with the emergence, development and character of working class organisation especially in the West Indies West Africa and Asia¹⁰. The latest trade union laws in British experience therefore were made for East Africa and Uganda in particular.

When the Trade Union Bill was introduced in Kenya in January 1952 it was opposed both by Kenyan unions and the British TUC. The objections centred around the issues of compulsory registration, probationary trade unions, restrictions on who could become a union official, requirements for English knowledge and reasons for suspension and cancellation of unions (M. Singh 1969:306-310). In Britain, the Colonial Advisory Committee (CAC) of the British TUC, which had been in touch with Kenya trade unions after its formation in 1937, met the Secretary of State for Colonies on 7 March 1952 and presented their objections to the wide powers given to government officials and all the provisions the Kenyan unions objected to. As a result the Minister

undertook to inform the Government of Kenya of the criticisms which had been levelled and in the meantime the introduction of a similar measure contemplated for Uganda would be suspended (Archives of the TUC:1952).

However only three amendments were made. The powers of approving, disapproving and supervising staff and employees' organisations and associations were transferred from the Labour Commissioner to the Registrar of Trade Unions (considered more neutral); literacy in English for officials was dropped as Swahili would be sufficient; and failure of a union to comply with its own rules would not in itself provide grounds for suspension or cancellation of registration (M. Singh 1969:310). As the Uganda Trade Union Ordinance closely followed the Kenyan one these amendments, although minor, benefitted Ugandan workers - a result of workers' struggles elsewhere.

The provisions of the 1952 Ordinance may be divided into three categories as indicated earlier (p 52). First were those provisions which guaranteed the formation of trade unions with specific positive rights. Secondly there were those provisions meant to ensure state control and thereby the pre-emption of a left-wing politicised trade union movement. Thirdly there were those paternalistic aspects meant to nurture some form of democratic administration of union affairs.

FREEDOM OF ASSOCIATION AND TRADE UNION RIGHTS

The most important positive aspects of the Ordinance were: first, the retention of a right for trade unions to exist (S.2). Secondly, following ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention 1949) freedom for workers to belong to a trade union without any penalty from the state or prohibition

or discrimination from an employer was guaranteed (S.55). Thirdly, the rights, immunities and privileges (including liabilities) - available only to registered unions - were laid down in Part V of the Ordinance. Immunity from civil suit for union officers and members was carried over from S.23 of the 1943 Ordinance in respect of acts done "in contemplation of furtherance of a trade dispute" even where this involved inducement to breach a contract of employment, interference with trade or business, the employment of another person or the right of another person to dispose of his capital or labour (S.22). The important immunity for trade unions, officers and members from liability in tort for an act alleged to have been committed by or on behalf of a trade union (S.24(1)) but only in respect of acts committed "in contemplation or in furtherance of a trade dispute" (S.24(2)) was also retained. Although the L.C. had presented them simply as "the commonly accepted rights and liabilities of trade unions....largely the same as in the existing Ordinance" and similar to "most trade union legislation throughout the world including colonial territories within the Empire" (UP 1952:47) the immunities were the most contested.

The European employers' representative J. Simpson argued that

if we are seriously endeavouring...to make the people of this country responsible people, then it is absurdly wrong to free them from the responsibility of their own acts, or any acts that they may commit. I must strongly oppose the inclusion of such a clause...such a clause... should not be introduced in this country by pressure from the Secretary of State, but the Protectorate Government should be permitted to bring into account local conditions (*ibid* 48).

C. Patel respresentative of Asian propertied interests opposed it suggesting it should be granted only to experienced unions (*ibid* 50)

while another one A. N. Maini thought it would protect individuals from any tortious acts (*ibid*). Nonetheless the desire of the state to encourage union growth in a paternalist way was insisted on with the L.C. explaining the historical origin of the immunities in the U.K. (1906 Act). So similarly in Uganda

where we want to establish a stable, orderly trade union movement as the workers become educated in industrial relations and learn to negotiate with their employers... the first essential of any stable union or any stable body is the possession of funds... There is the necessity of having unions grow up gradually to responsible status. We have been faced with a number of mushroom growths which might try and collect funds with no other intention than of creating industrial disputes where there should be stability (*ibid*:51-52).

The long term vision of the state here was opposed to the short term interests of capital which only saw the immediate financial losses the immunities could mean in case of disputes. But while these rights and immunities won originally by the British working class came to benefit the colonial territories the non-enforceability of certain intra-union and inter-union agreements was also brought in (S.25), probably, as Wedderburn suggests (Wedderburn:314), as a compromise vis-a-vis the immunities won.

FORMS OF ORGANISATION, COMPULSORY REGISTRATION AND UNION

LEADERSHIP

The central provisions of the Ordinance which were meant to achieve state control over union development concerned the form of organisation permitted to exist, the principle of compulsory registration and the determination of union leadership.

In the 1952 Ordinance three innovations were made in the concept of trade unionism which were unique to East Africa. This

was the introduction of the employees' associations, the employees' organisations and the probationary trade union. The employees' association would consist of at least six members employed in the same trade or industry, private or public or with any one employer. (S.2). The employees' organisation on the other hand would comprise at least six members engaged in "the same type of employment" but working for different employers where each of those employers did not employ more than twenty employees (S.2). As the Labour Commissioner explained the two types of organisation were "new to trade union law anywhere in the world" (UP:1952:45). Both organisations had to notify their establishment to the Registrar (S.3(1)) and neither organisation could collect or possess money other than an "annual contribution to an office expense fund or welfare fund" and the Governor could restrict the purposes of the welfare fund (S.3(4)). An employees' association that collected no subscription or primary contribution was not required to notify its establishment to the Registrar (S.3(2)).

Because it was hoped that an association in one workplace or one organising in the same trade would be an isolated entity so long as no finances were collected the colonial state was even prepared to waive the notification requirement. But the object of controlling the purposes for which funds could be collected was to ensure that no political aims could be furthered or sponsored by these organisations. Trade union economism (see Cap I:27-8) was the ideological construct within which these workers were officially allowed to operate though the provisions were presented as simple state paternalism. Moreover these two types of organisation were allowed merely to exist legally - they did not possess the rights and immunities of the trade unions. According to the L.C.

the intention is, particularly among staff associations, to encourage the formation of simple committees whereby employees and employers can discuss matters of common interest. These committees have a two-way function. They can provide a useful safety valve whereby matters which may genuinely be disturbing employees can be brought to the notice of their employers; and also whereby their employers can, when they consider desirable, explain changes in policy which affect the working conditions of their employees. It will be noted that associations are limited as to the funds which they may collect. The intention is to provide them with the opportunity of learning how to handle money but also keeping the money they may collect within limits which are not attractive to undesirable leaders (*ibid* 46).

So while on the one hand the intention was to keep out "undesirable elements" which usually meant "political agitators" as recent events in East Africa were interpreted, on the other hand organisations were seen as a managerial device to keep industrial peace.

Finally where the Registrar was satisfied that an association or organisation was "conducting its affairs in such a manner that it should be regarded as a trade union" (S.3(6)) he was empowered to require it to apply for registration as a trade union because more control and supervision could then be statutorily exercised.

The probationary trade union, another innovation, came into existence when the Registrar, subject to his powers of supervision or refusal to register deferred a union's registration (S.11). Such a union possessed all the rights, immunities and privileges (and was subject to the same liabilities) as a registered trade union except the right to amalgamate with another union (S.22(2)). Although these provisions were opposed again by employer interests (see C. K. Patel, for instance, *ibid*:53) the L.C. emphasised that the Registrar's powers to refuse registration (S.16) were enough precaution. Instead the aim was

to provide a young union which is struggling along to make the grade, with every chance of doing so, while at the same time providing safeguards against mushroom growths being created by self-appointed leaders for their own self-seeking ends (*ibid*:46, see also ARLD 1952:18).

The probationary period lasted between three and twelve months but the union would still be subject to the Registrar's powers to refuse registration (S.12).

The final provision that was to determine the form of union organisation that developed concerned amalgamation. S.32 provided that amalgamation of unions could take place if fifty percent of the eligible membership voted and only if "those in favour of the proposal exceed by twenty percent or more... the votes against the proposal". And in the case where the trade unions proposing to amalgamate represented more than one trade or calling no amalgamation could take place without the sanction of the Governor-in-Council. The idea behind restrictions on amalgamations was that they were likely to be politicised. Official opinion had been influenced "by the fear that large unions and federations are more likely to be concerned with political activities than are small organisations based upon the unit of employment, or the industry" (B. C. Roberts:301; see also M. Mamdani 1976:191). Small, apolitical, industry-based unions only were to be encouraged or tolerated.

COMPULSORY REGISTRATION

By far however the most important device of state control of unions, right from 1937, was compulsory registration. S.9 of the 1952 Ordinance retained this requirement and further strengthened it. The Registrar had wide powers to refuse or cancel registration.

Registration could be refused for any of the following reasons: the union did not comply with the provisions of the Ordinance; any of the principal objects or the constitution of the union was unlawful; the union was used for unlawful purposes; a union already registered was sufficiently representative of the whole or substantial proportion of the interests in respect of which registration was sought; the principal objects of the union were not in accordance with the definition of "trade union" in S.2; the funds of the union were being applied in an unlawful manner, upon unlawful objects or on objects not authorised by the Ordinance; in case of a general union, its constitution did not contain suitable provisions for the protection and promotion of their respective sectional industrial interests; and if the accounts of the union were not kept in accordance with the provisions of the Ordinance (S.16(1)).

The existence and operation of any union was therefore to depend upon what the state defined as legitimate trade union functions. The objects of the union were limited to a regulation of employee-employee relations and employee-employer relations (S.2). The objects upon which union funds could be expended were also specified and covered administration expenses, legal proceedings expenses, the conduct of trade disputes, compensation of members for loss arising out of trade disputes, allowances to members on account of death, old age, sickness, accidents or unemployment (i.e. social security functions) or any object authorised by the Governor (S.43).

But aware that a docile and "responsible" union prior to registration could thereafter change character, leadership and policies, the state provided for the suspension or cancellation of registration. Some of the grounds for suspension or cancellation

were only formal, that is, if the union requested it after its dissolution or if the union in the Registrar's opinion, had "ceased to exist" (S.17(1)). In the case of the latter reason the provision could be used to deregister a militant and recalcitrant union as had happened with UAMDA and the Uganda Transport and General Workers Union in 1949 (ARLD 1949: 15, *infra*: 76). The more important reasons for cancellation or suspension were similar to those for refusal of registration (S.17(2)).

An unregistered union could not enjoy any of the rights, immunities or privileges of a registered union (S.19(2) and failure of a union or officer to apply for registration was an offence (S.19(3)). Equally cancellation or suspension of registration meant loss of rights, privileges and immunities for the members, officers, and the union itself (SS.20(1)(a) & 21).

These provisions appear to have been by and large effective especially in ensuring that only those unions conforming to the conception of trade unionism favoured by the colonial state were registered (*infra*: 87-88).

TRADE UNION LEADERSHIP

Next in importance to compulsory registration as a device of state control of trade unions, perhaps, were the restrictions on union leadership. Union leadership and administration would indeed be the test for the success or failure in nurturing "responsible unions". The L.C's explanation for the new provisions in Part VI of the Ordinance, on the unions' constitution and administration which was "taken from legislation which has proved necessary in other colonial territories" was that it was "intended to ensure that every union is set up on a sound basis" (UP: 1952, *supra*, 47).

Under S.29 it was provided that all union officers, except the Secretary had to have been employed (and to be still employed) for at least three years in the relevant industry or occupation. This provision was designed, the L.C. claimed,

to protect young unions from exploitation by outsiders. At the same time provision has to be made for a limited amount of external assistance because without it it might be impossible for an experienced body ever to get on its feet (*ibid.*).

Further the L.C. also admitted that

another reason for permitting it is the power it would place in the employers' hands. An employer who perhaps was not on the best of relations with a trade union, if the secretary of that union was employed with that establishment, might go a very long way to wreck that union by dismissing the secretary, who would thereupon have to cease being an officer of the union (*ibid.* 53).

In general the employers were opposed to the whole Bill. But since the state was determined to pass it they resigned themselves to opposing sections of it. Here C.K. Patel, a representative of Asian business stated that employers argued that "the happy relationship that now exists between employers and employees will be shattered by the introduction of this Bill". But personally he took the more far-sighted view, as the state, and contended,

we know that in future when there are troubles some people will say that there was no restriction imposed on the healthy growth of trade unionism. But they will claim then that there should be no restrictions imposed on them. This is why...we should have this Bill passed today and...not tomorrow (*ibid.* 49).

However the greatest scare raised was that the growth of trade unions would encourage communism in Uganda. The Uganda Chamber of Commerce (formed in the 1920s) had expressed this view to the Labour Commissioner, C. Patel said. Again he explained:

I, for one, do not understand how this Bill can possibly encourage communism in this country. Communism only thrives where there is poverty and unequal distribution of wealth, but this Bill seeks to give better conditions to labour and to give them a right which they possess all over the world, viz., the right to strike. This could not possibly encourage communism. The remedy lies in our hands, Give better conditions and good wages to labour. There is not the slightest chance of communism creeping into this country... (*ibid.*).

The same communist scare was being raised by employers against the employment of a secretary (under S.29) who did not belong to the firm. C.K. Patel continued, "there is an opinion that such an officer would not be in the interests of the community itself because he might hold communistic views" (*ibid.* 50). But aware that the British TUC was already sending trade unionists to the colonies to guide the growth of trade unions there on "sound lines", and as in 1949 L.H. Nicklin a former trade union official in Britain had been appointed a Labour Officer in Uganda for the same purpose (ARLD 1949:15), he argued,

if an officer who is brought into this country is an experienced one, there is not going to be any danger, so far as this section is concerned. I think... that in this country trade unions of the future will only bring from outside an experienced secretary who is not a communist (UP: 1952, *supra*: 50).

THE TRADE UNION CONSTITUTION, PROPERTY AND FUNDS

The paternalistic - democratic elements of the 1952 Ordinance were in the area of the trade unions' rules, its property and funds. Matters which had to be included in the union constitution were carried over from the 1943 Ordinance but several new ones were now also included. Now all decisions had to be taken by secret ballot, rights of members to vote provided for, subscription fees

stipulated, contributory provident or pension fund, if any, separated from other funds (S. 36(1), Schedule). For the first time also comprehensive provisions for the regulation of trade union funds and property were made. The L.C. argued that these provisions had been drawn largely from legislation which had "operated successfully in other colonial territories and provide for a much closer inspection of a union's accounts than is possible under the existing law" (UP: 1952, supra: 47).

S. 29 provided, inter alia, that no person could be secretary or treasurer "who in the Registrar's opinion is incapable... of carrying out his respective duties" because he was illiterate; nor could a person hold any office if convicted of any offence" involving fraud or dishonesty in connection with the funds of any trade union". These two measures were positive and were meant to help develop genuine responsibility amongst union leaders. The L.C. explained :-

These unions have got to learn by experience; if they engage people who are known to be dishonest there is a limiting clause. That is put partly because we have information that in other territories they are in the habit of being employed by a union, acting dishonestly and subsequently imposing themselves on other unions (ibid. 53).

Further for the first time trustees would have to be appointed for each union and no trade union officer could be a trustee (S. 40). This was meant to separate union officers from those responsible for the property and finances (the trustees), at least theoretically.

The rest of the provisions related to annual returns and the keeping of books of account. Every union, probationary or registered had to keep books of account to exhibit and explain the

transactions and financial position of the union, income and expenditure (S.45). Every year the treasurer had to render to the union "a just and true account" of the income and expenditure, all bonds, securities and other property of the union entrusted to him (S. 46(1)). These accounts had to be audited (S.46(3)). The audited accounts had to be accompanied by the auditor's report (S. 47(1)). Changes to the union rules or of officers together with the audited accounts had to be sent to the Registrar (S. 47(2)); and every member was entitled to the copy of the audited accounts (S. 47(1)).

Further the books of account and a list of union members were open to inspection by an officer or member of a union or by the Registrar (or his representative) (S. 48). Finally, any trade union member or the Registrar could complain to Court about any person's misappropriation or misuse of union funds or property and demand redress (S. 57).

In conclusion a few points may be reiterated. First although the forms of organisation - whether the associations or trade unions - were allowed to exist legally with positive rights for trade unions, an underlying objective was to pre-empt radical politicised organisations of workers. The main device for achieving this objective was the requirement for registration whereby the state would determine the lawful objects and functions of any union and the purposes for which funds could be expended. Secondly the importance of legal regulation in developing a minimum level of democracy within unions was with regard to contents of the union constitution and the management of finances and property. This aspect was to remain generally unimplemented (infra: 88-89). Thirdly

whilst in Britain and some other colonies like Ghana, Northern Rhodesia (Zambia), Trinidad and Barbados, provisions were made for the establishment of political funds in unions in the East African territories, including Uganda, and as in Asia, political objects were completely forbidden (B.C. Roberts: 290). Control over objectives of unions and use of their funds in addition to stringent requirements for any union amalgamations were also aimed at depoliticising unions and restricting them to narrow industrial levels and economicistic purposes. All in all therefore the control and bureaucratic - administrative aspects of the colonial state vis-a-vis the democratic-judicial ones were enhanced by the 1952 Trade Union Ordinance.

3. THE EARLY DEVELOPMENT OF TRADE UNIONS AND EMPLOYEES

ASSOCIATIONS: 1945-1962

Although the Trade Union Ordinance was passed in 1952 the colonial state did not initially encourage trade union growth and employers were hostile to trade unionism in the 1950s. Instead state policy was to encourage joint consultative machinery. Nevertheless the 1950s saw the rapid growth of trade unions and an increase in workers' militancy, especially in the deployment of the strike weapon. State policy after 1949 generally succeeded in limiting these strikes only to economic objectives and to shed the political characteristics or strong association with political struggles of the 1945-1949 period. The depoliticisation of unions and workers' struggles generally was to be achieved by: 1) the redressing of grievances of the rising petty bourgeoisie; 2) the petty bourgeoisie's own organisational separation, from the workers,

in staff associations; 3) the ideological training the trade unions received from the British TUC and the ICFTU with state assistance or encouragement.

The growth of trade unions greatly increased from about 1955 for a number of reasons: first, the objective conditions were changing as new industries were being set up which needed skilled, stable labour; secondly, there was a general awareness among workers of the need for collective organisation especially as the struggle for independence intensified; thirdly state policy began to change when it was realised that workers were opposed to joint consultation and the state together with the foreign unions especially the ICFTU began to encourage education for union leaders to ensure the growth of "responsible" unionism. Finally we argue that in large measure most of the restrictive provisions of the 1952 Ordinance were not used because the ideological training the unions received had depoliticised them. This result also depended upon the weakness of the nascent trade union movement and the acceptance by the petty bourgeoisie to organise separately in staff associations in places of work and politically, in political parties led by them but organically not linked to any workers' organisations.

a) THE POLICY OF JOINT CONSULTATION

Between 1950-1955 in spite of the enactment of the 1952 Trade Union Ordinance the strategy of the Colonial state was to promote joint consultation machinery and, together with employers, was not in favour of trade unions. This, as we shall see, was also the strategy in the political field where co-option was meant to create a pro-status quo middle class. From 1950 the Labour Department argued that

in the absence of responsible trade unions or any trade unions at all, some form of industrial relations machinery, which will enable management and employers to meet regularly to discuss common problems must be introduced if our industrial process is to proceed smoothly (ARLD 1950: par. 59).

In this respect the suggestion was that

the most suitable form this machinery can take is undoubtedly the staff association or works committee. These bodies consisting of representatives of management and employees in a single undertaking meeting round a table, or under a tree according to local circumstances, have already been successfully introduced in two neighbouring territories (ibid.).

The justification was both managerial and paternalist, because:

they provide not only a safety valve for the airing of grievances but also a valuable channel of communication whereby management can explain changes in conditions of employment. Machinery of this sort also serves to educate the African in the ways of negotiation through representatives, the electoral principle and the proper conduct of meetings" (ibid.).

So from 1950 onwards the colonial state took the initiative to encourage Government Departments and large private employers to establish works committees. By the end of the year 11 of then had been established (ARLD 1950: par. 60). By 1953 they had increased to 50 representing 33,000 employees (ARLD 1953: 25). And in 1955 they were made compulsory for each government department employing more than 50 workers in one centre (R. Scott: 41). By 1957 out of a total of 97 Works Committees, 76 were in government departments, 7 in public utilities and 14 in private industry covering a total of 90,000 employees in all (ARLD 1957: 14-15) while by 1959 they had increased to 130 (ARLD 1959: 21).

In spite of their proliferation however they were never accepted willingly by workers. Their Chairmanship was always in the hands of management (ARLD 1951: par. 69). Employees complained that

they were useless as they merely discussed wages and later some other conditions of work. For instance in one committee of the Mengo and Mubende Public Works Department which met 12 times in 1957 out of 105 items dealt with 21 were agreed in committee, 20 not approved, 6 deferred and a whole 58 concerned only information to employers (ARLD 1957: 15). Further, in most cases workers' "representatives" on the committees were appointed by management and were the educated group, the nascent petty bourgeoisie who never represented the ordinary workers' interests (W. Elkan 1955: Cap 6; 1960: 66-74).

By 1958 the Colonial state admitted that

"while works committees continued to function satisfactorily as long as things are quiet they tend to be bypassed and have no authority over workers at times of stress when events lead suddenly to a strike" (ARLD 1958: 21).

It was being admitted that the committees had essentially been and were seen by workers as management tools. Moreover a number of strikes had been engaged in by workers against the advice of works committees (R. Scott: 14) while management often just appointed the educated to represent workers (W. Elkan 1960:12). And anticipating their demise as unionism took hold, and especially as independence approached, the state came to accept their short term value. By 1959 the Labour Department accepted that

as workers become organised into trade unions they will no longer be content to accept wages and conditions of service imposed arbitrarily by employers even where these are above average. With emancipation in the industrial field, just as in the political field, there comes a strong reaction against paternalism in any form. Employees should appreciate that, once a union is recognised, it will demand the right to negotiate wages and terms of service and if sound industrial relations are to be developed it is most important that proper negotiating machinery should be established (ARLD 1959: 18-19).

Although the state had for a long time refused to encourage trade union growth by the mid-1950s a number of factors led to a change of policy. It is to the development of trade unions, then that we now turn.

(b) THE DEVELOPMENT OF TRADE UNIONISM

We have already seen that the only trade union before the 1945 General Strike was the UAMDA which was even not wholly a workers' organisation. But together with the domestic workers, UAMDA led the 1945 strike. The reaction of the state was not to encourage "responsible" unions then but to seek to alleviate workers' grievances by wage increases, and better conditions of work by the enactment of more protective employment, factory and compensation laws. The 1949 peasant rebellion which had followed a spate of strikes a few months before was greeted with state force and some political reforms which allowed peasant representation in the Buganda Lukiko (Low and Pratt: 282). Following this rebellion the UAMDA Secretary was imprisoned for his role in it. And because after the 1945 strike UAMDA leaders had been deported, for most of the time between 1945-1949, UAMDA had been leaderless. Following the peasant rebellion and the imprisonment of the Secretary the fact that the union had not sent its annual returns since 1945 was used to deregister it on the pretext that it had ceased to exist (ARLD 1949: 15). In 1949 a new union, the Uganda Transport and General Workers' Trade Union, had been formed, after the deregistration of UAMDA. But following the April peasant rebellion in which the leaders of the new union were involved the leadership was deported and by the end of the year the union collapsed and was also deregistered (ARLD 1959: 15; R. Scott 1966: 10).

Otherwise the only workers' rudimentary organisations after 1945 were the civil service staff associations (European, Asian and African) and union branches of the East-Africa-wide services: the Railways and the Postal and Telegraph services. The latter were organised largely because of being part of the inter-territorial enterprises thus being influenced by the earlier organisation of the workers in Kenya.

The postal workers had been organised for some years as a welfare association but registered themselves as the Uganda African Posts and Telegraph Welfare Union in 1951 (ARLD 1951: par 67). On the other hand the Railway African Staff Union had been formed in Kenya during World War II with its headquarters in Nairobi and founded a branch in Kampala, Uganda in 1946 (R. Scott 1966: 11; R.D. Grillo 1974: 44). By 1948, it is also reported the European Staff Association (ARLD 1947: 23) and the Kenya and Uganda Asian Association, in the Railways, had been established (ARLD 1949: 15, 20) in Uganda.

The first union to register under the 1952 Ordinance was the Kampala Local Government Staff Association. Although it claimed to be multi-racial it was mainly composed of European and higher paid Asians with only one African member (R. Scott: 12) though originally other Africans had joined (ARLD 1952: 18).

The second union to register was the Busoga African Motor Drivers Union, in 1953. It had protested vigorously against the restrictive 1952 Ordinance and contained the core of I.K. Musazi's organised motor drivers before 1949 (ARLD 1953: 24; R. Scott: *ibid.*). By the end of 1954 there were four registered unions and four employees' associations notified to the Registrar as Table I shows.

TABLE 1: TRADE UNIONS AND EMPLOYEES ASSOCIATIONS 1954

TRADE UNIONS	REGISTRATION NO AND DATE	MEMBERSHIP
The Kenya and Uganda Railway Asian Union	No. 3/1948	97
The Uganda Posts and Telegraphs Welfare Union	No. 5/1951	138
The Kampala Local Govt. Staff Assoc.	No. 1/1952	78
Busoga African Drivers Union	No. 1/1953	370
EMPLOYEES' ASSOCIATION S		
The Uganda African Civil Servants Association		Not known
The Uganda Asian Civil Servants Association		650
The Uganda European Civil Servants Association		650
The Government Indian School Teachers Union		200

Source ARLD 1954: 77, Table 10

By the end of 1954 therefore the only existing unions apart from the Drivers Union, in addition to the staff associations in the civil service, represented mainly white-collar Postal and Local Government workers as far as Africans were concerned. By this time the state was still insisting on the development of works committees

and staff associations instead of trade unions. The employers had all refused to recognise all these unions as the law did not require them to do so under any circumstances. Between 1953-1954 the only accepted activity for the unions was simply to be consulted in ad hoc joint committees set up to consider the implementaton of the Lidbury Report on the East African Civil Services (CO: 1954). So the Municipal Council, the Posts and Telegraphs Administration and the Railway Adminstration consulted the relevant unions; but the staff associations were equally consulted. In other words in practice there was no distinction between a registered but unrecognised union and a staff association.

Nonetheless the period 1955-1962 saw the consolidation of trade unionism in Uganda as a result of changed circumstances. There were three main reasons for this. First the objective conditions of labour were changing because new industries were being set up and required skilled or semi-skilled and stable labour. The setting up of import-substitution industries in Uganda was a post World War II phenomenon and was part of British policy at the time to earn and conserve as much dollar currency due to British reliance on U.S. products and loans for post-war reconstruction (D.W. Nabudere 1980: 102-108). Imports from dollar areas were discouraged and exports to them were now encouraged. The first "Development" Plan in 1947, beginning with the construction of Jinja Hydro-Electric Dam in 1952, set out the projects to be developed. In 1952 Uganda Development Corporation was set up, as a state holding corporation, to spearhead industrial development and between 1952 and 1962 its subsidiary and associate companies covered: textiles, fertilizers, mining, steel and iron, cement, food and hotel and real estate enterprises (ibid: 104-107; J.J. Barya 1986: 24-5 Table I).

The second reason for union development was the growing awareness of workers that collective action was necessary for the improvement of their conditions of labour. There was a steady growth of workers' militancy and willingness to strike. Many of these strikes were led by trade unions and where benefits were won, union support and membership increased. Between 1948 and 1962 the year of independence, apart from the strikes of 1949 which threatened to develop into a General strike, strikes increased and then maintained a steady occurrence rate. But as Table II shows it was mainly after 1958 that a further increase in strikes emerged with more man-days lost as a result. Although the 1959 increase in man-days lost was mainly a result of the 16-days Railway strike led by the Railway African Union, strikes were taking place in other workplaces, many of them unionised. The approach to independence also spurred on the workers to demand better remuneration as much as the politicians were demanding self-rule and political emancipation.

TABLE II NUMBER OF STRIKES AND MAN-DAYS LOST 1948-1962

YEAR	NO OF STRIKES	MAN-DAYS LOST
1948	11	5,480
1949	69	18,973
1950	46	6,653
1951	54	5,593
1952	59	8,618
1953	53	14,738
1954	59	11,449
1955	75	18,320
1956	43	12,494
1957	37	7,405
1958	45	10,716
1959	61	102,871
1960	55	105,440
1961	76	105,631
1962	161	96,986

SOURCE: ARDL: 1948-1962.

The militancy of the workers accelerated the states' change of policy in favour of genuine unions as against simple joint consultative bodies. This change of state policy was the third reason

for the development of trade unions especially between 1955-1962.

In 1955 five more unions were registered and on one occasion a wage agreement was negotiated for the first time. In the wake of the 1955 flare up of strikes in spite of the 'numerous works' committees, the Labour Department began to change course and argue:

while works' committees continued to perform a useful function, the fact has not been lost sight of that they will never replace properly constituted trade unions and probably as more advanced joint consultative machinery is established they will gradually disappear (ARLD 1955:17).

This change of course was even more necessary as in strike situations works' committees were being bypassed by the workers who had little confidence in them (Supra: 74 see also R. Scott:14). In addition due to the state of the emergency in Kenya, many Kenyan workers had run to Uganda for employment and many of them brought their union experience to Ugandan workers.

By 1959 there were 22 registered unions with a book membership of approximately 11,000 while the ten employees associations notified to the Registrar had over 10,000 members (ARLD 1959:89, Table 10). However it must be said that most of these organisations were quite small; only four unions had over 500 membership while most staff associations had a membership of below 250 (see Table III p. 86).

The Postal and Railway Services had however established more representative Joint Staff Councils which were now meeting often (ARLD 1957:14; ARLD 1958:21). Then in 1958 the first two unions were recognised and signed formal Recognition and Procedural Agreements, one of them being the Uganda Tobacco Worker's Union. By the end of the year four other unions were seeking similar agreements. The Uganda Textile Workers Union, established in 1958 in Nyanza Textile Industries Limited (NYTIL)

obtained formal recognition in 1959 and also signed a formal agreement. But the Railway African Union in spite of protests and a strike was not yet recognised (ARLD 1959:16).

But while workers generally were increasingly militant in their economic demands the trade unions as institutions were being moulded to be both moderate and apolitical. Originally the training of members of works' committees and staff councils was undertaken by the Labour Department with the help of the Community Development Department by giving lectures and practical instruction in industrial relations, labour legislation, the conduct of meetings and the keeping of minutes (ARLD 1954:14). But the more far-reaching ideological training of Uganda's trade unionists came from the ICFTU in particular, with state support.

As far back as 1937 the British TUC had set up the Colonial Advisory Committee in order to help improve labour conditions and organisation (Archives of the TUC:1937). Their suggestion then was that Labour Commissioners and Inspectors be appointed because they saw the colonial state as a paternalist institution. Then in 1941 a decision was made to send British trade unionists to help the development of "responsible unions" and in Uganda such an officer was appointed as a Labour officer in the Labour Department in 1949 (ARLD 1949:15). But the influence of the British TUC was minimal and restricted to sponsoring individual trade unionists to courses in Britain and elsewhere.

The most influential training came from the ICFTU and to some extent the AFL-CIO. The first ICFTU Mission to East Africa which included a TUC representative G. H. Bagnall came in 1951 (Archives of the TUC:1951). The aim of the visit according to Bagnall, leader

of the delegation was "to establish contacts with the existing trade union organisations to study the problems which confronted them; to make a general survey of the economic and social conditions of the people; to ascertain the views of governments and various political parties and to make proposals for the development of the free trade union movement" (E. A. Standard, 6.11. 1951, M. Singh 1969:303). The team met representatives from trade unions in Uganda to make such contacts (ARLD 1951:par.66). Although the AFL-CIO also had an advisor in East Africa, based in Kenya, trying to win over key leaders "with a political future" eventually, as far as East Africa was concerned, a "compromise was finally reached by which both Britain and America agreed to channel the bulk of their future aid through ICFTU and its associated organisations" (R. Scott:52). By 1957 both ICFTU and AFL-CIO were sending union leaders for training in Europe and America (ARLD 1957:13) while at the regional level East and Central African trade unionists attended a Conference in 1958 "for the main purpose of appointing a Central and East African area committee to further the aims of the ICFTU in the area" (ARLD 1958:19). This followed an earlier meeting in Uganda between the regional ICFTU representative and the East African labour federations, including the Ugandan TUC, formed in 1956, where similar meetings at regular intervals were agreed¹¹.

The most significant achievement of the ICFTU before independence in Uganda was the establishment in Kampala of the ICFTU African Labour College in 1958. Uganda was chosen because it was "indisputably African", well served by rail and air communication and "close to the multi-racial University of East Africa"¹². But the fundamental reason "not cited for diplomatic reasons was that

the (trade union) movement in Uganda was one of the weakest in English-speaking Africa and would thus derive most benefit from the presence of the College in terms of prestige and access to advisers" (R. Scott:op.cit.73). This was true as far as the trade unions were ideologically uncommitted and organisationally weak. The ICFTU would provide both training in technical aspects and ideological direction.

The College lecturers came from large European and American unions. And

the influence of the ICFTU, and the College in particular, was readily apparent to the most superficial observer. All unions of any significance boasted at least one member of the executive who had been on a College Course and this experience was often shared with the African ex-unionists on the other side of the bargaining table" (ibid:54).

The curriculum for different courses aimed at "basic technical education" for lower range union officials such as branch secretaries and not merely national leaders (ibid:53). Emphasis was on the technical aspects of trade unionism. This was the beginning of the technocratic and careerist conception of trade unionism. In particular unionists were taught to eschew any trade union relationship with politics. T. Mboya of Kenya, who advised the formation of Uganda's TUC had warned against political and trade union organic links (Uganda Argus 12.7.1955 in R. E. Gonsalves:217). The colonial state's opposition to political unionism which was reinforced by ICFTU trade union economism can be gauged from the Labour Departments observations in the mid-1950's:

The trade unions, though they may be weak as yet, are strong on one point: they have refused steadfastly to allow their organisations to be used for political ends by outsiders and the union leaders have missed no opportunity to make this clear to their own members and to the public. Perhaps the motion adopted at the Annual General Meeting of one of the registered unions can be quoted, as it expresses very neatly the present desire to be heard but also to be co-operative and responsible. The motion read: "That one of our bosses should be called to attend our Annual General Meeting and have a tea party with him"! (ARLD 1955:18).

Thus the aims of the colonial state and the ICFTU were basically the same: that the union movement be apolitical and only economicistic in its function, that it be moderate and not militant and that it eschews any left-wing political views or association with "communism".

Whilst the technical training by ICFTU helped the general development of trade unions it contributed to its "moderate" character. The second influence in this direction was that the grievances of the rising petty bourgeoisie were gradually being redressed and had little reason to call upon workers to jointly oppose both employers and the colonial state (see infra:90-91.). Thirdly and closely connected with this was the organisation of the civil servants, separately, in staff associations. In 1940 a Local Civil Service had been introduced to embrace both African and Asian officers but the better trained were later designated "officers" while the lowest ranks, below the clerical grade were to be simply "employees"¹⁴. But these changes did not apply to European officers and Asian teachers (RU 1974:24). In 1947 the Civil Service was unified though racial pay structures remained. After the 1954 Royal Commission of Enquiry into the East African Civil Services, Africanisation of the higher grades of the civil service began to be encouraged (CO:1948; CO:1954).

The demands of the petty bourgeoisie for "Africanisation" of the civil service were not resisted by the colonial state. Between 1956 and 1961 Africans in the higher grades of the civil service rose from 18 to 28 percent (M. Mamdani 1976:204). This is because such demands also served the interests of the colonial state. It was part and parcel of the policy of creating a "middle class" to take over after independence. The East African Royal Commission Report had recommended the creation of such a class in British interests:

We endorse the majority view of the Carpenter Committee that "the ultimate solution to the problem of supervision in this country lies... in the emergence of a foreman class amongst the Africans themselves" (CO:1955: supra 152).

Thus, according to the Governor of Uganda at the time, A. Cohen, to co-operate with nationalists, among whom the civil servants were a big component, was the best strategy for imperialism against suspected communist influence in the nationalist movement.

Nationalists

provide some of the dynamic force in societies which in Africa are often static or inert; and... in their social, educational, and economic ideas and as unifying forces, the aims of these nationalists are often the same as our own, the main difference being in the pace of advance they wish to see (A. Cohen 1959:61).

Therefore the best course for colonial governments was to realise this early and "by skillful anticipation... try to guide the energies of nationalists into constructive channels and to secure their co-operation in a programme of steady but not headlong political advance" (*ibid*).

For this reason the civil servants were encouraged to form and belong only to associations and not unions. The Uganda African

TABLE III: TRADE UNIONS AND EMPLOYEES' ASSOCIATIONS AS AT
31st DECEMBER 1959

a) REGISTERED UNIONS:

<u>Name of Union</u>	<u>Book Membership</u>
<u>(i) Membership under 200</u>	
1. Uganda Railway Asian Union	114
2. Kampala Local Government Staff Association	150
3. Uganda General Clerical Union	110
4. Uganda Shoemakers Union	50
5. National Union of Journalists	7
6. East African Railway and Harbours European Staff Association (Uganda)	26
7. East African Posts and Telecommunication European Association (Uganda)	50
8. Uganda Printing Trade Union	Not known
9. Lango Motor Transport Workers' Union	38
10. Uganda Co-operative Workers' Union	180
<u>(ii) Membership between 200-500</u>	
1. Uganda African Posts and Telegraphs Welfare Union	285
2. Uganda Medical Assistants' Association	201
3. Makerere University College Employees' Union	380
4. Bugisu District Administration Workers' Union	320
5. Uganda Tobacco Workers' Union	460
6. Uganda Textile Workers' Union	500
7. Lango Vernacular Teachers' Union	220
8. Bukedi Local Government Workers' Union	220
<u>(iii) Membership over 500</u>	
1. Lango District Administration Employees Union	1100
2. Railway African Union (Uganda)	4000
3. Uganda Vernacular, Primary and Junion Secondary Teachers' Union	1100
4. Amalgamated Transport and General Workers Union	1200
b) EMPLOYEES' ASSOCIATIONS NOTIFIED TO THE REGISTRAR:	
<u>Name of Association</u>	<u>Membership</u>
1. Uganda African Civil Servants Association	3800
2. Uganda Asian Civil Servants Association	800
3. Uganda European Civil Servants Association	1100
4. Asian Teachers' Union of Uganda	227
5. Uganda Dispensers' Association	58
6. Medical Laboratory Assistants' Association	27
7. African Health Inspectors' Association	92
8. Uganda African Teachers' Association	4000
9. Uganda Nursing Orderlies' Association	44
10. Uganda Veterinary Assistants' Association	100
11. Uganda Meteorological African Staff Association	40

Civil Servants Association represented the so-called "officers". By 1959 it represented about 3,800 civil servants while the only other big African association, the Uganda African Teachers Association represented about 4,000 teachers. The other associations were small groupings of similarly placed civil servants with 100 or less members each. Even the trade unions of the rising petty bourgeoisie were very small and generally weak and "moderate". Table III shows the existing trade unions and associations and their membership in 1959.

The organisational separation of the petty bourgeoisie, in staff associations, who saw themselves as "officers" distinct from the workers proper, in trade unions, and many of them unorganised¹⁵, meant that both the unions and the associations due to different colonial state tactics came to be moderate.

(c) A PARTIAL APPLICATION OF THE LAW

It should be pointed out that the Trade Union Ordinance was applied by the state but only partly. As far as setting the boundaries of legitimate trade union functions was concerned this was achieved by legislation but the actual on-going supervision envisaged by the law was not carried out for the most part mainly because ideological training of the unions achieved the same result. But it may equally be said that the legal prohibition of a politicised trade unionism provided the basis for the ideological success of ICFTU educational efforts.

As far as the objects of unions, the purposes for which funds could be used and the refusal to register general unions were

concerned these were enforced. For instance, the Transport and General Workers' Union whose "intention was to form a comprehensive union for all workers in Uganda" in the transport industry was accepted for registration (after giving up its objective of becoming a general union) only for a small group of drivers thus becoming the Busoga African Motor Drivers Union in 1953 (R. Scott:10, 12; ARLD 1953:24). The ICFTU Mission to Uganda in 1958 also noted that the Registrar resisted general unions and tended to "push any embryonic grouping into registering as an association when it might have progressed more quickly as a union" (R. Scott:38). The unions formed therefore were confirmed to the narrow industrial form.

However the provisions intended to encourage democracy and accountability were the ones hardly enforced. While for instance the probationary union device was not used much probably because many staff associations were encouraged (*supra:85-87*) the provisions giving the Registrar powers to inspect books of account, the administration of union property and finances and the use of secret ballots for voting were rarely used¹⁶. Although the Colonial Office had made it clear that the 1952 Ordinance prerequisites for union legality and registration, prohibition of political funds and restriction of union objectives, restrictions on leadership eligibility, among others, were in contravention of ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention 1948) the colonial state was not bound by this as the Convention was not ratified in Uganda (CO:n.d.). Further, although the colonial state argued that most of the restrictive provisions had never been used but were intended to guard against "the formation of unions for purely political purposes" (M/L:1959-1960

the point was that at this stage there was no need for such enforcement of the law. Trade unions due to training from ICFTU and other western unions were already apolitical and separated from political parties in Uganda. This confirms B. C. Roberts' general assessment of British colonial policy:

Attention (was) also... paid to ways of influencing the development of trade unions other than by legislation. (This was) the policy of giving official guidance and assistance to unions through labour department channels... training facilities for trade unionists... providing lectures, short courses... As political nationalism has risen in the various territories in Africa it has been the policy of the colonial office to try to keep trade unions and their leaders as far as possible independent of the political parties (B. C. Roberts:194-195).

So towards independence in 1962 although trade unions had been depoliticised they had not grown into democratic institutions either. Lack of enforcement of the democratic aspects of the law and the enforcement of the anti-political provisions of the same law had achieved this result.

4. TRADE UNIONISM AND NATIONALIST POLITICS

Prior to the 1950s political organisation was mainly concerned with the interests of African landowners, farmers and traders whose advancement had been hampered by colonial policies. The elements which had belonged to the old Bataka Association/Movement (supra: 35) formed the Bataka Party following the 1945 strike. More democratic reforms were now being demanded. An obscure African Labour Party existed in the 1940s but appears to have been a grouping of a few educated individuals engaged in petitioning the colonial authorities. The "Party" actually organised no labour and was one of the several petty bourgeois pressure groups that soon sank into oblivion (See R, Mukherjee 1956: 37-38).

However the formation of modern political parties was permitted only with the post-World War II change of colonial policy. Following the 1945 General strike and the 1949 peasant uprising, the formation of political parties was allowed but the colonial state first made sure that a middle class was in formation and that political parties and trade unions would be separated organisationally.

The new intermediary middle class of Africans was being encouraged by allowing co-operatives to proliferate (M. Mamdani 1976: 197). Traders were also being assisted - licences in the transport and commercial sectors were being granted and courses in bookkeeping and small business management given (*ibid.* 201-202). The Uganda Credit and Savings Bank was set up in 1950 and gave loans to farmers and traders and other forms of business especially construction and in 1954 the African Loans Funds was established for farmers outside Buganda who did not have land titles for security (*ibid.* 202). Moreover Africanisation in the civil service began to be accepted and many Africans were being promoted to posts hitherto restricted to Asians and Europeans. As D.W. Nabudere put it this process was part of the change in tactics by imperialism, British imperialism in particular, to contain anti-imperialist struggles and redirect them into controllable, "constitutional" channels.

In this readjustment the interests of the more articulate and advanced elements of the petty bourgeoisie were isolated and addressed, thus creating a division in the alliance forces. The rich peasants, the trader and capitalist farmer were addressed step by step and the position of the workers and poor peasant, was increasingly put in the background. (D.W. Nabudere 1980: 148).

Our main concern here is to show how the concerns of the petty bourgeoisie and the economism of the trade unions as inculcated by

the ICFTU kept trade unions and politics apart. This was so because, although unions could not legally espouse and fund political objects (S.16(1) 1952 Ord.), this should never have prevented workers, as a class, from pursuing a distinct political programme separate from the trade unions.

The main political parties before independence were the UNC (Uganda National Congress), DP (Democratic Party), KY (Kabaka Yekka), UPC (Uganda People's Congress) and the Progressive Party. The Uganda National Congress was the first political party to be formed in 1952. It was led by the Baganda petty bourgeoisie. Its leadership consisted of shopkeepers, clerks, lawyers, journalists and editors, school masters and a student (M. Mamdani 1976 : 208). Its support in the country came from the cash-crop growing peasantry demanding better prices and from the traders, teachers and civil servants - the upcoming petty bourgeoisie (ibid. 208-9). In 1955 the Progressive Party was formed representing Buganda Protestants Chiefs, landlords of large estates, businessmen and rich professionals. (D. Apter: 338). Then in 1956 the DP was formed. Because the UNC was linked to nationalist movements elsewhere which advocated socialism and both the UNC and Progressive Party were dominated by Protestant leadership the DP was formed clearly as a Catholic Party. Essentially it was opposed to the Protestants historically favoured in land allocation in Buganda and in political office in most of Uganda; it was also opposed to the so-called "Communist" influence in the UNC (ibid. 340; M. Mamdani, op. cit. 216-220).

The Progressive Party quickly sank into oblivion because it had no social base while the UNC, because it relied on different

policies in different areas and due to bitter leadership struggles, twice split and ceased to exist in 1960. The first split in 1958 led to the formation of Uganda People Union (UPU) which included legislative Council members from different districts. In the final split of 1960 the faction led by A.M. Abote joined with UPU to form the Uganda People Congress (U.P.C.) (*ibid.* 346). Meanwhile the Baganda Protestant chiefs and landlords formed the KY (Kabaka Yekka - Only the King) to protect landlordism and "traditional values".

What was the relationship between these political parties and the young trade union movement? The most crucial point here is that no organisational relationship could take place because under the 1952 Ordinance trade unions could not espouse or fund political objects. Although trade unionists could theoretically form a political party distinct from the unions or at least adopt a programme or demands before supporting any other Party especially as workers were numerically a minority the conceptual separation of unionism and politics was maintained and unionists only sought to join parties as individuals. On the other hand, with the gradual redressing of petty bourgeois grievances and the legalisation of political party formation the bourgeoisie were no longer interested in labour organisation. They only sought the support of the workers and union leaders as individuals.

It was C. Makayu General Secretary of Uganda Trade Union Congress (UTUC) formed in 1956 who first joined the Progressive Party. Later he switched and joined the DP as an executive officer (R. Scott: 149). But Makayu was soon ousted from the UTUC. Most trade unionists however "asserted from the beginning that the unions

should avoid entanglement with politicians" (*ibid.* 150). The most powerful union then, the RAU(U), could only declare in 1960 that "complete industrial freedom could only be achieved when the country attained political freedom" and therefore urged its members, individually "to support the African politicians who were working for political freedom" (*Uganda Argus* 31-12-1960). But there was no organisational or programmatic relationship between the UTUC or any union with any of the political parties. The objective position of the UTUC was articulated by its General Secretary in 1960:

The UTUC intends to keep aloof from politics and does not identify itself with any particular party... Were the UTUC to affiliate to a particular party, it would cease to be a free labour movement. UTUC members can join parties, but those who do so join in their individual capacities and not as UTUC officials (*Uganda Argus* 25 June 1960).

Thus as independence approached some individual union leaders sought to become Members of Parliament for the DP or the UPC. The UPC was essentially representative on non-Baganda petty bourgeoisie that were not Catholic. However it was able to get the support of several Legislative Council members from the former UPU and also of the emerging state apparatus of the Africanised civil service (M. Mamdani 1976: 212). It also made an alliance with the Buganda KY to defeat the DP. The UPC however came to be supported by many workers because of its policies for a welfare state (Constitution of the UPC, Art. 3(iv)). The UPC unlike the DP and KY also made it clear that

The Party shall always maintain a working alliance with trade unions, co-operatives or farmers' and youth organisations. The Party shall grant affiliation with itself to any such organisation whose policy is not inconsistent with that of the Party (*ibid.* Art. 5).

But the DP did not even have such provisions. Nonetheless trade unionists joined it as individuals. In fact two UTUC leaders stood in the same Kampala constituency, Francis Pulle, President of the Clerical Union and Treasurer of UTUC for DP, while H.M. Luande UTUC President and RAU(U) President, for the UPC. Luande was elected (R. Scott: 142, 196). His election however represented no organisational success of the workers, rather it revealed the use to which an essentially petty bourgeois party like the UPC could put workers' leaders in its own interests. Only one M.P., H.M Luande was a worker or trade unionist. The overwhelming majority of the 72 M.P.s were teachers, professionals and the administrative salariat, especially the civil service: 75.7% of the 37 elected UPC members, 83.3% of the 24 elected DP members and 85.7% of the 21 Lukiiko-nominated KY members (J. Jorgensen 1977: 329). With independence in 1962 the colonial state aim of leaving the country in the hands of a petty bourgeoisie had succeeded. The trade unions by accepting the ideology of economism had been excluded from political power and had made no significant impact even on the programmes of the existing parties.

CONCLUSION

Prior to 1945 due to the predominance of an immigrant semi-proletarian workforce in an economy relying mainly on unskilled cheap labour there were hardly any conditions conducive to working class organisation. Though collective action and organisation was beginning it was still very limited and the first trade union UAMDA was itself, in class terms, a diffuse organisation. The original trade union legislation (1937-1943) which was positive and

essentially liberal was enacted due to Colonial Office pressure and a desire to conform with developments in Kenya and Tanganyika. It was not seriously opposed by capital nor was it applied because at the time labour was largely unorganised.

However it was the 1945 General Strike and subsequent 'political' strikes that led to the enactment of legislation protective of labour which legislation had been shelved since the 1930s. The 1949-50 Trade Disputes and the 1952 Trade Union Ordinances unlike the 1937-1943 legislation were a result of the cumulative workers struggles in Uganda as well as in East Africa, especially Kenya, and in other British Colonies. They were intended to deradicalise and institutionalise workers' protests. The Trade Union Ordinance had two major aims: to prevent a politicised left wing trade union movement and instead to nurture an economicistic one which, nonetheless, was accountable to the membership to some extent.

But in spite of the enactment of this law both the state and capital were initially opposed to the development of trade unionism and instead encouraged joint consultative machinery. But by the mid-1950s due to workers resistance to this machinery, the increase of strikes bypassing that machinery (which was seen as a management tool) and changes in the nature of industry the colonial state changed policy to encourage trade unionism as envisaged by the 1952 Ordinance.

Those aspects of the law designed to nurture democracy within the trade unions were hardly enforced by the Registrar as the state was least concerned with this aspect of the law. However, the conceptual aspects of the law regarding legitimate union form and

function were enforced due to registration requirements. But the day-to-day control and supervisory aspects were hardly enforced because the ideological training of the unions by both Western unions and the state ensured the creation of an essentially moderate apolitical unionism, thus rendering certain aspects of the law superfluous. Besides, the organisational separation of the petty bourgeoisie in staff associations and the gradual satisfaction of their demands by the colonial state ensured that the proletarian unskilled and semi-skilled workers were distanced from the struggles of the emerging petty bourgeoisie. Finally, because political parties were now allowed to be formed as part of the colonial strategy to leave state power in the hands of the "middle class" after independence and the trade union leadership accepted the ideology of economism, this meant that workers who, as a class, could have organised themselves and at least made and directed demands to the petty bourgeois-led political parties did not do so. Acting within the framework of the law the ICFTU educational efforts helped automise the working class and make it a mere appendage of petty bourgeois political organisations.

At a more general level the colonial period shows that law is a class category. Because the liberal and less restrictive 1937-1943 trade union legislation came onto the statute books with no direct agitation from Ugandan workers, it caused little controversy. But because the later legislation on trade disputes regulation (1949/1950) and trade union organisation (1952) were a conscious response of the state to workers' struggles in Uganda (albeit taking other colonial experiences into account) it was more comprehensive and had considerable practical impact. However the success of the

law in depoliticising the trade unions and workers as a class generally was concretised by the ideological outlook that western trade unions infused into the embryonic Ugandan labour movement. At the same time, because the Ugandan nascent petty bourgeoisie accepted organisational separation from the working class by forming staff associations (at workplaces) and the political parties, this sealed the political emasculation of the working class. Nevertheless the struggles of workers had at the very minimum succeeded in precipitating the colonial state to enact legislation which gave some positive rights of organisation to workers as a class.

Finally the colonial period legislation is significant for the post-colonial period for various reasons. First the positive organisational rights established through struggle during the colonial period were maintained after independence but the new African ruling class was to reverse or circumscribe several of these rights. Secondly although those legal provisions meant to enhance democracy within trade unions were improved on after independence, the post-colonial state like its colonial predecessor was little concerned about the democratic aspects of trade unionism. Instead the state concentrated on the control aspects of the law and deradicalising the labour movement. Thirdly, during the 1950s the ideologically apolitical and economicistic conception of trade unionism was generally successful due to the unity of the colonial state and foreign union educational efforts facing a weak embryonic labour movement. This ideological outlook continued after independence but was to be modified into the reformist ILO conception of trade unionism based on a consensual incorporationist view of industrial relations called tripartism.

We shall argue in this thesis that the above points show that although law has been an important device of the state in creating the framework through which its objectives should be realised, law in itself has not been sufficient to realise those objectives. Instead political action by the state and the apolitical-technocratic later shifting to a consensual-tripartite ideology of trade unionism were crucial in shaping the effectiveness of law in this regard.

NOTES - CHAPTER 1

1. Entebbe Secretariat Archives, Secretariat Minute Papers 200002/08/I/i in P.G. Powesland: 18.
2. See e.g. UAWA to Hailey, Special Commissioner on Native Administrative Affairs, 2.4.1940: CO: 536/208- File No. 40006/13.
3. Resident Buganda to Chief Secretary, Entebbe, 21.10.1943, CO: *ibid*.
4. Memo, President-General of UAMDA to Dr. Hendon, Fabian Colonial Bureau, 14.9.1943, CO 536/210- File No. 40310.
5. Lord Passfield to Colonies, 17.9.1930, in I.G. Shivji 1986: 157; See also R. Scott 1966: 3.
6. Gupta: Imperialism and British Labour Movement, London, MacMillan 1975: 194 in M. Nicholson: 180.
7. Annual Report of the Labour Section of the Native Affairs Department, Kenya 1937: 212-213 in M. Singh 1969: 64-65.
8. Quoted in the East African Standard 28.6.1937, *ibid*: 64.
9. East African Standard, 9.8.1937, *ibid*.
10. See B. Roberts 1964: 259-262 and the L.C's arguments during the Debate on the Bill, UP1952.
11. Report of the Inaugural Meeting of Representatives of KFL, TFL and the UTUC held at Kiwala Hotel, Masaka, Uganda 11-13, Sept. 1956, in M. Singh 1980:296.
12. Hammerton: The College on the Equator, 1961, ICFTU, Brussels: 9 in R. Scott: 73.
13. Uganda Argus 12.7.1955 in R.E.Gonsalves: 217.
14. UP: Local Civil Service Standing Orders, 1946.
15. As in 1960 out of 254,200 workers only 26,300 belonged to unions, R. Scott: op. cit. 18.
16. ICFTU 1958: "Report of Visiting Mission" (*mimeo*) in R. Scott: 45.

CHAPTER III: FROM INDEPENDENT TO STATE-CONTROLLED TRADE UNION ORGANISATION: 1962-1971

INTRODUCTION

Building on the last chapter the aim in this one is to provide a historical and class interpretation of the changes in the law and an assessment of the relative importance of law in shaping the character of trade union organisation between 1962-1971. This chapter argues that the first post-colonial government of the UPC led by A.M. Obote sought to redesign the industrial relations legal framework as set up under colonialism by restricting its liberal voluntary character and enhancing the state control aspects of the law. In this the ideology of development (See Cap I:23-25) became the pervasive motif in the state's conception of the legitimate function of working class organisation in trade unions. There were two motivating reasons for this: first, the government intended to curb the militant political trade unionism that prevailed between 1962-1964. This was the immediate raison d'etre for the post-colonial industrial relations legislation enacted between 1963-1965. The second and more long term aim of the government was to curb industrial disputes, enhance industrial peace and thereby attract foreign investment for economic development.

The strategy was originally to restrict trade union rights by increasing state intervention in union organisation and administration and further restricting the right to strike, between 1962-1968. Later, between 1968-1971, the strategy changed to one of attempting to incorporate trade unions within state institutions in the "socialist" development strategy called the Move to the Left,

thus in essence ending the existing trade union autonomy. However the whole strategy was halted by the Amin. coup of 1971 who reversed most of these policies.

This chapter is divided into five sections. Section 1 places the workers as a class in the context of Uganda's political economy as it evolved up to 1971. Section 2 is an account of the split in the trade union movement and how one faction, the militant and political one was particularly responsible for the immediate decision by the government to enact the new trade union and trade disputes legislation and state its vision of development.

Section 3 sets out the post-colonial industrial relations legal framework and the opposing views of the state and a section of the labour movement supporting it on the one hand and the section that opposed (pervasive) legal restrictions on union organisation and action in defence of workers' interests.

Section 4 looks at the law as it operated in practice vis-a-vis other factors affecting the character of trade unionism. We contend here first, that while state objectives to create relatively big unions through the registration process were generally successful the viability and stability of the unions was mainly at the formal institutional level. In particular state control was more difficult to achieve. State Control through the sponsorship of a pro-government faction failed and it was for this reason that direct control through incorporation was attempted between 1968-1971. Secondly like under colonialism the democratic aspects of the law were not actually enforced by the state. Thirdly, and probably most important, the new trade disputes legislation while reducing disputes did not create the industrial peace aimed at. On the

contrary workers chose to disregard the legal and constitutional channels of resolving disputes in favour of unofficial and illegal industrial action. Related to this is our contention that while certain policies (minimum wages and Africanisation) improved all wage-earners living conditions generally, only a very small section of the working class, a so-called labour aristocracy substantially, gained from the Obote I (1962-1971) labour policies while a new African dominant class based in state institutions, the bureaucratic (or state) bourgeoisie, was being created at the expense of both workers and peasants. So while the restrictive laws were aimed at the working class generally the bureaucratic bourgeoisie was increasing its share of the national surplus and this was to be even more so with the so-called "socialist" policies of the Move to the Left.

We argue in Section 5 that the trade unions' reliance on tripartite institutions and the Labour Consultative Council (LCC) in particular as the most important method of demanding legal changes to improve workers' organisational rights was not helpful because it excluded rank and file input in the law-making process.

Finally Section 6 specifically deals with the Move to the Left Strategy as part of the general policy change in which the 1970 Trade Unions Act was enacted which effectively destroyed trade union autonomy and created a single trade union for the whole of Uganda.

In addition political and administrative plans were being made to incorporate trade unions in state economic institutions while excluding them from political power. Law was used here as part of a political process of monopolising power by a bureaucratic bourgeoisie while the leadership of the unions was, it seems, to be

used to control and discipline workers by ensuring that the union leadership had a stake in the new economic institutions, especially parastatal companies.

1. THE PLACE OF WORKERS IN UGANDA'S POLITICAL ECONOMY 1962-1971

Uganda developed, from colonial times, essentially as a peasant economy. In 1959 for instance out of a population of 6.5 million only 315,000 (or 4.8%) were urban dwellers; by 1969 out of 9.5 million people only 747,000 (or 7.8%) constituted the urban population; while in 1980, out of 12.6 million people only 1.1 million (or 8.7%) lived in urban areas (A. Walugembe-Musoke: 6a) Ugandan wage-earners are overwhelmingly concentrated in the urban areas, while the rural population is essentially peasant. It is estimated that in the mid-1980s the urban population, out of about 15 million people, is only about 10% (*ibid*: 5-6; See also RU 1989/1990:26). Between 1960-1970, although there was some increase in employment the percentage of employers to the working age population actually dropped. In 1960 that percentage was 6.83 while in 1968 it was down to 4.98% only, rising to 6.12% in 1970 (J.J. Jorgensen 1977: 398). Numerically therefore, the trade unions, due to such a small base, are in a weak position though their location in the urban and monetary sector enhances their otherwise precarious position vis-a-vis other classes and the state.

This weakness notwithstanding the 1960s decade saw a great advance in unionisation because, in our view, unions offered a means for material advance especially outside the government sector. As Table IV shows from a mere 3.5% of the recorded wage-earners in the monetary sector in 1955 as union members, the union book membership rose to about 60% of all recorded employees in 1970.

TABLE IV UNION MEMBERSHIP AS PERCENTAGE OF RECORDED EMPLOYEES

1955-1970				
Year	No. of employees recorded	(a)	(b)	(c)
		Union membership	No. of unions	% of b/a
1955	224,782	783	7	3.5%
1960	254,200	26,300	35	10
1965	228,186	90,000	28	39
1970	298,868	178,456	25	60

Sources: R. Scott: 18; ARML 1966: 19; 1970: 4; RU1974: 73-74;
RU 1969: 105.

But two things must be pointed out: the figure of total employees is understated as it does not include domestic servants and migrant workers employed by rich African peasants nor employees in enterprises employing less than 5 people (RU: 1982: 11-12). Secondly the book-membership could often be overstated by unions wishing to appear big, strong and viable before government. For instance of the 1970 figure only about half constituted the paid up membership (ARML 1970: 4). So, although union membership undoubtedly greatly increased in the 1960s it was probably only around 30% of all unionisable employees by 1970. The small size of wage-earners and even the smaller size of union membership provided the backdrop for government claim that trade union autonomy, rights and especially the right to strike all as stipulated by ILO

Conventions and as interpreted would not be in the interests of the rural dwellers, peasants and the unemployed¹. The claim of government is assessed in section 4(c) and found groundless.

2. TRADE UNION FISSURE AND JOINT TRADE UNION AND POLITICAL

MILITANCY (UFL AND UPC-YL): 1962-1964

a) THE SPLIT OF UTUC AND FORMATION OF UFL.

In 1961 the Uganda Trade Union Congress (UTUC), the only union national centre from 1956, split. The split was mainly a result of the domination of UTUC by Kampala based unions which neglected the Jinja-based ones. But later ideological and leadership differences reinforced and maintained the split. It was partly due to the militancy of the new centre the Uganda Federation of Labour (UFL) in concert with a section of UPC, the UPC-YL (Youth League) in organising strikes and demonstrations that led to the enactment of the 1963-1965 industrial relations legislation.

Before 1959 the UTUC leadership was almost exclusively from Kampala based unions. Although the leadership was reconstituted in 1959 to include some Jinja-based unionists the latter were never satisfied and continued to complain of UTUC dictatorship which was mainly its acting without consultation and failure to assist weak unions establish themselves (ARLD 1959: 16-17; R. Scott: 37). What sparked off the split was misuse of office by J. Reich Vice-President and A. Banyanga, General Secretary of UTUC. Both were

from Jinja-based unions. In 1960 invitations from the All-African Trade Union Federation (AATUF), then in formation, for a preparatory conference were taken up by the two officials without authority from any UTUC organ (RU 1969: 7). The UTUC General Council then suspended them and a General Meeting later confirmed the suspension in January 1961 (R. Scott: 139).

Having made themselves known to AATUF and probably expecting support from that quarter J. Reich and his supporters, all from the Jinja unions, launched an alternative union centre, the Uganda Federation of Labour (UFL) in March 1961. Although the Labour Commissioner would have preferred only one centre, the 1952 Trade Union Ordinance made no provisions regulating national centres, and so he indicated he could do nothing about the development (Uganda Argus 1.2.1961).

Originally the UFL did not see or present itself as being ideologically opposed to UTUC. In fact it even applied to the ICFTU for recognition to which UTUC was already affiliated. It also declared that it was "in no way opposed to ICFTU policies and... would not seek association with the Ghana-sponsored All African Trades Union Federation" (Uganda Argus 6.3.1961). Its contention was that it was formed because of "the dictatorial and undemocratic policies of UTUC in Kampala" (R. Scott: 139).

But both UTUC and ICFTU were opposed to J. Reich's association with the initiatives of Ghana and Guinea to form an independent Pan African union federation. ICFTU therefore intensified its support for UTUC against UFL: a full-time Regional Organiser was stationed in Jinja and some of the Jinja unions returned to UTUC (*ibid.* 141). UFL throughout 1961 continued to have only a precarious existence.

However it has been suggested by one writer that UFL and UTUC represented two opposing ideological conceptions of trade unionism.

He argues,

The UFL was formed in 1961 when the militant manufacturing unions broke from the TUC. Although the split... appeared to be a struggle for leadership position, it in fact reflected a conflict between two different conceptions of trade union activity. The Jinja unions argued for a close alliance with the nationalist movement and against the "economism" of the TUC. Thus on its formation the UFL allied with the UPC. While the TUC affiliated with the "free world" ICFTU, the UFL allied with the Nkrumah-inspired AATUF. While the TUC leader Humphreys Luande entered parliament as an "independent" both leaders of the UFL, Reich and Kibuka formally joined UPC (M. Mamdani 1976: 239).

Both the facts and the analysis here are questionable. The UFL was not founded on the basis of principled differences with the UTUC in connection with the latter's moderation and pro-ICFTU ideology of trade union economism. UFL was formed due to UTUC's neglect of Jinja unions and began to associate itself with UPC after the latter had won the April elections preceding Uganda's independence in October, 1962. In fact at the end of 1961, because J. Reich himself had resigned and become a Personnel Officer at Madhivani Sugar Factory, Lugazi (in addition to being Deputy Mayor of Jinja) and because some unions had returned to UTUC, UFL was moribund. (R. Scott: 141). The UPC itself prior to the 1962 elections did not have any commitment to either UTUC or UFL (See also *infra*:154). Indeed H.M. Luande, UTUC President and RAU Secretary General and UPC Vice-President for Buganda, whose views on the need to separate unions and political parties organisationally were well known and opposed by a section of the UPC stood for the Independence elections as and was elected a UPC M.P. in Kampala (See Cap. II: 94; A. Mujaju 1974: 4). Yet other UTUC leaders supported D.P. and F. Pulle, UTUC

Treasurer had stood as a DP candidate (R. Scott: 142). Luande's resignation from the UPC came only later in 1964 in opposition to legislation and policies restrictive of union organisation and autonomy (R. Gonsalves : 333).

Further although both J. Reich and E.R. Kibuka, General Secretary of Uganda Public Employees Union (UPEU), formed only in December 1961, were members of UPC the UPEU itself was affiliated to neither UFL nor UTUC. And two months before independence UPEU joined UTUC; and Kibuka, between 1962-1963, was acting General Secretary of UTUC (R.Scott:145-6). In short, no ideological separation concretely existed between UFL and UTUC, initially.

Nonetheless following UPC electoral success and a few months before independence UFL began to shape its ideological character and allied itself with the UPC-Youth League (UPC-YL). Led by the UPC Secretary General J. Kakonge, in concert with UFL, UPC-YL encouraged political and militant unionism. It was this alliance of political and trade union organisation that fuelled the high expectations of workers from political independence leading to numerous strikes and other industrial action. In turn this precipitated the UPC regime, which took power in 1962, to outline its industrial relations policy. First it enacted the restrictive legislation on trade unionism and trade disputes. Secondly, the government sought to assuage workers grievances by increasing minimum wages and above all tried to encourage tripartism whereby workers, employers and the state would work co-operatively rather than antagonistically. Thirdly, it was also in this context that the ideology of development and "the interests of the nation" as a whole began to be articulated by government in opposing more organisational rights and better living standards for workers.

(b) MILITANT POLITICAL UNIONISM AND THE ENACTMENT OF RESTRICTIVE
INDUSTRIAL RELATIONS LEGISLATION.

Between 1962 and 1964 UFL and UPC-YL waged a joint struggle aimed at obtaining better wages and terms of employment for workers. In addition they also engaged in political activity together in order to assert or express Uganda's independence. UFL also developed close relations with Eastern Bloc trade unions and by 1963 had begun an ideological campaign against both UTUC and ICFTU. The two main elements of its campaign were: first, to support the ideas of Panafrican non-alignment also held by a section of the ruling UPC Party and second, to support state intervention in union affairs as expressed by UPC. The UFL President arguing against U.S.A. union influence in some Ugandan Unions was also able to state that to prevent this he did "not consider it a bad thing to introduce new legislation to restrict the powers of unions as in the case of Tanganyika" (Uganda Argus 5.2.1963). The Secretary-General of UPC, J. Kakonge argued against UTUC independence from both party and government. He contented,

The ICFTU leaders have called on so-called independent African democratic states to support their "struggle" against the legitimate Government of our nation to maintain the so-called undiluted democracy. If this is not the TUC setting itself up in arms against our Government, what else can it be? (Uganda Argus 17.4.1963).

The UPC continued to threaten that the trade union movement would be taken over as an organ of the state and the Administrative Secretary of UPC came out in support of UFL and UPC-YL proposals in this regard (R. Scott: 154). Although the UPC as a whole favoured party and government control of unions, there was a section in it which went beyond this and supported a militant and politicised

union movement. This was represented by J. Kakonge, the UPC-YL and UFL.

The first African Government preceding independence had been led by DP in 1961 and had awarded wage increases to government unestablished employees, even beyond those recommended by a Committee of Enquiry (instead of 5hs 2.60 per day for rural areas and Shs 3.40 for urban areas: a flat rate of Shs 4.00, minimum, was awarded, UG: 1961). The UPC, then in opposition, had promised a wage structure guaranteeing "a decent minimum standard for all workers and their families" (Uganda Argus 6.4.1962) among other things.

But the workers were not satisfied with DP wage increases nor UPC promises. In any case the wage increase only covered government unestablished employees. A strike wave hitherto imprecedented ensued. As independence approached workers began to demand better conditions starting with the first African "self-government" regime of DP in 1961. In that year 76 strikes took place. But in 1962 due to UFL and UPC-YL involvement now the number of strikes rose to 161, more workers were involved, though fewer man-days were lost compared to 1961 due to the short duration of the strikes. The strike wave continued throughout 1963, with 150 strikes, more workers involved than in 1962 and 94,281 man-days lost. Up to 1965, when the new industrial relations legislation was beginning to be implemented, in addition to wage increases in 1964, strikes remained high. Table V shows these developments.

TABLE V STRIKES IN UGANDA 1960-1970

Year	No. of Strikes	No. of Workers Involved	Man-days Lost
1960	55	27,380	105,440
1961	76	18,995	105,631
1962	161	25,563	96,986
1963	150	33,381	94,281
1964	108	13,088	39,590
1965	96	17,689	55,847
1966	56	5,115	12,954
1967	48	5,395	10,478
1968	58	7,498	12,384
1969	95	3,202	66,327
1970	45	10,304	19,459

Sources: B. Nicol 1979: 292; ARML 1970: 5; ILO 1977: 843

The predominant demand in the strikes was for wage increases. But other demands were also made. These related to management attitudes to workers, victimisation of union members and employers refusal to recognise or negotiate with union representatives - demands mainly related to rights of organisation. (R.E. Gonsalves: 295). In general even outside strike situations demands for Africanisation, higher minimum wages and the dismantling of the racial wage structures continued. Even H.M. Luande of UTUC rejected the slow, moderate pace of Africanisation advocated by the UPC-Obote government (from April 1962) contending that "it is useless to give guarantees to expatriates who have despised us for over seventy years (Uganda Argus 30.5.1962).

The strikes between 1962-1964 in particular were called by unofficial leaders and the UFC and UPC-YL in opposition to most official union leaderships' call that the legal disputes procedures be followed. The Teso cotton ginnery workers' strike of January 1963 is a case in point. The workers' slogan was "uhuru na mshahara" (freedom and wages); they demanded wage increases and objected to racial abuse by the Asian employers. In spite of appeals by A. Obote the Prime Minister and F. Onama the Labour Minister the workers refused to return to work before their demands were met. The employers granted the wage increase and within a week workers resumed work. The workers victory enraged the employers.

The press, sympathetic to them, argued,

In effect, the Teso strike held the Minister to ransom as well as the employers, and it resulted in an interim settlement that gave the employees a considerable increase in pay rates pending the announcement of the Minister's findings on the minimum wage proposals... The Teso workers have achieved something ahead of the rest of the country as a result of an illegal and unrecognised strike.
(Uganda Argus 28.1.1963).

Because of its militancy the UFC, in concert with the UPC-YL, came to command respect among a considerable section of the working class, even beyond UFC affiliates. In some cases, grievances were discovered only when workers lacking knowledge of their union or having no union complained to local party offices. UPC-YL and UFC took up their cause (R. Scott: 155). For instance in Kampala the League followed up some disputes with motor traders and called out the workers on strike. One of the employers co-operated. Immediately UTUC and the Uganda Federation of Employers (FUE) complained to the Labour Ministry demanding that free collective bargaining be enforced. The Minister reacted by imprisoning the

strike leaders who were officials of UFC and members of the League (M. Mamdani 1976: 240; R. Scott: 155).

In addition, the UFC and UPC-YL provided hope to the growing numbers of the unemployed who hoped the organisation could put pressure on government to expand employment opportunities.

Politically the UPC-YL and UFC demanded respect for the new African government by the British and Asian capitalists. For instance they sought to enforce the display of the President and Prime Minister's portraits in business premises and the removal of the Queen's (A. Mujaju 1973: 298). They organised strikes and demonstrations against Asians who had hitherto clearly allied themselves with the colonial regime (*ibid*; R. Scott: 154). In one instance the UPC-YL called for a deportation of leaders of British business men who, at a party, had ridiculed Kenya's independence celebrations and post-independence African life, caricaturing both as a return to traditional backwardness. The deportation was ordered (A. Mujaju 1973: 299). In 1964 and 1965 the League led demonstrations against western embassies on several issues affecting Uganda's interests (*ibid*.)

The militancy of UFC and UPC-YL caused consternation within UPC itself and government. At the time a section of the UPC government sought to attribute the strikes of 1962-1963 to foreign workers and leaders especially Kenyans. One Minister, A. Nekyon charged that "Kenya trade unionists who controlled most of the Ugandan trade unions were practising a kind of sabotage through strikes" and even threatened to deport "those leaders bent on sabotaging the national effort" (Uganda Argus 6.10.1962). Although most Kenyan trade unionists were militant due to more working and organisational

experience they were not a dominant element in workers militancy in Uganda. In fact out of 40 unions in 1962 (RU 1969: 105) only in RAU and the Breweries Workers Union did Kenyans comprise 50% and 43% of the union membership respectively (R.E. Gonsalves: 304). And of the 22 unions affiliated to UTUC in 1962 only 4 had Kenyan General Secretaries (R. Scott: 163) while in the unions most active in the strikes, ATGWU and NUCCTE, the leadership was predominantly Ugandan (R.E. Gonsalves; 305).

UFL and UPC-YL activity exacerbated divisions within UPC. In fact when UFL strike leaders had been imprisoned the radical section in UPC opposed this and they were released though later re-imprisoned on charges of assault and intimidation of non-Africans (R. Scott: 155). But the conflict over UFL and UPC-YL activities was part of a wider ideological struggle between the left-wing J. Kakonge faction of UPC on the one hand and the right wing and centre factions of the Party, in particular over the definition of the function of workers' organisations and their relationship with politics. In the event, the right wing and centre factions of UPC acted in concert to destroy the left wing organisations: UFL, UPC-YL and the leader, K. Kakonge.

Attempts to oust J. Kakonge from the UPC Secretary Generalship started in 1962 (A. Mujaju 1974: 19-20). In the 1964 Annual Conference he was accused of being a "communist", delegates opposed to him were arbitrarily increased and the elections process manipulated so that in the end he was replaced by the right-wing lawyer G.K. Ibingera (ibid: 20-22; D.W. Nabudere 1980: 255-6). Meanwhile in December 1963 A.M. Obote had pressurised the UPC-YL to announce the dissolution of UFL which was then replaced by FUTU

(Federation of Uganda Trade Unions) in 1964 (RU 1969: 31). FUTU was to be closely allied to the right-wing of UPC, and would be used henceforth to oppose the independent UTUC. However because the UPC-YL was itself still too powerful to be taken over directly, the UPC-right wing spearheaded by G. Ibengira the new Secretary General began to create a parallel structure of decentralised regional youth organisations (A. Mujaju 1974: 22). Further because UPC-YL partly arose from the militancy of the unemployed another parallel organisation NUYO (National Union of Youth Organisations) was created to provide training and "facilitate the depoliticisation of youth as well as to exercise strict control of their activities" (A. Mujaju 1973: 303). NUYO leaders and cadres were appointed and paid by government as civil servants. UPC-YL continued but in 1965 some of its leaders were expelled from UPC and it was forced underground (*ibid.*).

The suppression of UFL and UPC-YL and the defeat of J. Kakonge in 1964-1965 marked the end of an attempt to integrate militant unionism and political organisation independent of government or party control. But militant political unionism was not just suppressed. Its historical importance is that it provided the impetus for government to evolve its industrial relations policy and legislation. Two strategies were adopted: first, workers grievances were assuaged by wage increases and minimum wage stipulations on the one hand and on the other the state sought to incorporate workers in tripartite structures mainly the Labour Consultative Council and the Industrial Relations Charter framework. Secondly, and more important, the restrictive trade disputes and trade unions legislation was now enacted. Underlying both strategies was the

nascent ideology that the state had to look after the interests of all classes and social groups by preventing organisation or action detrimental to economic development, especially development largely dependent on foreign investment.

As a result partly of the 1962 strikes and due to electoral promises the government appointed a Minimum Wages Advisory Board to review the wage situation. The flat minimum wage rate fixed by the DP government was seen as unfair due to differences between central and local government and was said to have "not unnaturally been a cause of industrial unrest" due to its effect on the private sector too (UG 1962: 4). The UPC Government also began to argue that wages must not rise to the extent of widening the gap between peasant incomes and workers' incomes (*ibid.*). Area wage differentials were maintained with the hope that they would be abandoned in future. The minimum wage now ranged between Shs 84.50 and 120.00 per month depending upon the town (Minimum Wages Order 1963, S.I. 72/1963).

The restrictive labour legislation being mooted was a concerted East African venture. The East African governments at this time were making consultations inter se in this area. While agreeing to pursue a high wage policy with a minimum family wage, (R. Sandbrook 1975: 43) in the interests of development, unions would be controlled and strikes curbed:

The East African governments are in a hurry to develop and their countries cannot be jeopardised by irresponsible actions or attitudes on the part of trade unions and employees... While trade union freedom and the right to strike are recognised, they can also become dangerous tools if not responsibly used or if abused (Uganda Argus 22.8.1982).

They then argued that "with provisions for effective arbitration machinery, strikes or lockouts become unnecessary" and if such

machinery were not respected or adhered to "Government must act in defence of the national interest and will not hesitate to legislate the enforcement of agreements" (*ibid.*). But on behalf of UTUC Luande argued against "selfish politicians" and those African states which had "embarked on arrangements, as a matter of policy, to convert trade unions into an arm of government administration"; he insisted that the trade union movement must fight "black capitalists and imperialists to see that industrial freedom is achieved" (*Uganda Argus* 20.8.1962).

A.M. Obote continued to condemn illegal strikes, attributing them to weak leadership and union disorganisation (*Uganda Argus* 4.3.1963). Further he charged that foreign trade unionists posing as advisors were behind the strikes. In particular, his view of the ICFTU College was that "the College is supposed to teach leaders of the movement... if there are too many strikes the Government is entitled to say that the College is not doing its job properly or is actually engineering strikes" (*Uganda Argus* 12.4.1963). Later, FUTU, under government tutelage, was to concur saying: "the country's national economy was greatly endangered by a calculated wave of strikes engineered by the ICFTU through the TUC" (FUTU: 1965). Yet as we have seen it was the UFC and UPC-YL that were at the forefront of the strike wave although UTUC affiliated unions and members were also involved. And as some of the leaders of FUTU were originally leaders of UFC it was hypocritical of FUTU to accuse UTUC of engineering the 1962-1964 strike wave.

The constant threats by government and UTUC's knowledge that government intended to control the union movement as Tanganyika had done led UTUC to set out "to work for the establishment of a

voluntary tripartite structure to replace the system of bilateral collective bargaining inherited from the colonial era" (R. Scott: 165). The UTUC seems to have been persuaded by some western unions that to forestall repressive legislation "they should settle voluntarily for some form of co-operation" (*ibid.*). In other words UTUC was being pressurised in the direction favoured by government and FUTU.

The main institutions of the tripartite industrial relations system preferred by government were the Labour Consultative Council (LCC) and the Industrial Relations Charter. The LCC was inaugurated in 1962 replacing the colonial Labour Advisory Board (UG: 1965: 1779). Its terms of reference were: "a) to advise the Minister of Labour on all matters affecting labour policy and legislation; and b) to keep under review the state of industrial relations and such problems relating to employment as may arise" (LCC n.d.). With respect to the Industrial Relations Charter although the idea originated from the Federation of Uganda Employers (FUE) at an LCC meeting in 1962 (and was derived from the Kenyan Charter of October 1962) government encouraged it. Later it was reported that the 1963 TUC Congress showed that "trade union leaders are beginning to come out in favour of adopting an Industrial Charter, possibly along lines already adopted in Kenya, as an alternative to restrictive labour legislation" (The Reporter 1.3.1963 in R. Scott: 165). Negotiations soon followed among FUE, UTUC and government. The Industrial Relations Charter was signed on 1st June 1964 between FUE and UTUC with government as a witness and not a party. This was so because government objected to committing itself to voluntary

industrial relations principles due to constitutional provisions which gave the Public Service Commission unrestricted control over matters regarded as negotiable by the Charter (*ibid.* 165-166).

3. THE POST-COLONIAL LEGAL FRAMEWORK: RESTRICTING WORKERS'¹

ORGANISATION

The post-colonial industrial relations legislation in Uganda had certain common features with that of Kenya and Tanganyika especially the latter. While the voluntarist Industrial Relations Charter was an example from Kenya the legislation tended to be the restrictive Tanganyika type. In fact whereas the Charter recognised voluntary bilateral collective bargaining and the organisational rights of workers and employers under state overview, the legislation tended to undermine these rights. The aim of the new trade disputes and trade union legislation was to ensure industrial peace and encourages development. At the same time the government claimed it intended to assist the development of sizeable, strong and stable unions which were democratic and responsible to the union membership. We shall now look at the provisions of the Charter and the statutes vis-a-vis these declared aims.

(a) THE INDUSTRIAL RELATIONS CHARTER 1964

The Industrial Relations Charter set out three main principles: the recognition of union and employer rights of organisation; the acceptance of legal, constitutional and peaceful dispute settlement procedures; and the acceptance of tripartite bodies. The Charter was a voluntary agreement and was not legally enforceable but simply an agreed reference point. In the Charter both FUE and UTUC stated

their belief that consultation, co-operation and mutual understanding were essential for the achievement of efficiency and productivity which would in turn be a foundation for good terms and conditions of employment. To this end they agreed:

1. That management and unions respect each others right to freedom of association. Management would recognise unions, accord reasonable facilities for normal union functioning and undertook "generally to respect the provisions of ILO Convention No. 98" (UG:Industrial Relations Charter 1964, Arts.1(viii) and 2 (i-ii)). The unions on their part conceded that "management has the exclusive right and power to manage its undertaking and to engage, promote, transfer, demote or lay off employees and to discipline, suspend or discharge employees for just cause..." (Art. 3).
2. That both sides in accordance with democratic principles would settle all future differences, disputes and grievances by mutual negotiation according to the principles laid down in the Trade Disputes (Arbitration and Settlement) Ordinance (Art. 1(iii)), abide by the spirit of agreements mutually entered into (Art. 1(v)), settle industrial disputes at appropriate levels and according to the laid down procedure (Art. 1(ii)) failing which disputes would be referred to the government-established machinery (Art. 5(b)).

In this respect Government as a witness to the Charter agreed to maintain or introduce legislation providing machinery for conciliation, arbitration and inquiry for different kinds of industrial disputes and to associate, in the operation of the dispute settlement, where practicable, representatives of both

workers and employers but on terms determined by Government; and to ensure that tripartite bodies that already existed such as the LCC met regularly (Art. 4). Specifically however the Charter would not apply to the public service or matters related thereto (Art. 13).

3. Finally that both parties would "participate constructively in tripartite bodies which may be formed by Government in order to achieve liaison between them for the purposes of examining labour policy and legislation, fostering industrial co-operation, and raising industrial efficiency and productivity, so as to build up the economic prosperity of Uganda" (Art. 6).

(b) THE TRADES DISPUTES (ARBITRATION AND SETTLEMENT) ACT 1964

In 1962 the independent government of Tanganyika had passed three statutes meant to curb strikes and to bring the trade union movement under state control (I. Shivji 1986:227-233). These were the amendment of the Trade Unions Ordinance, the repeal and replacement of the Trade Disputes (Arbitration and Settlement) Ordinance and the enactment of the Civil Service (Negotiating Machinery) Act establishing a negotiating machinery for civil servants. These statutes provided the guideline for similar legislation now contemplated in Uganda. This was so because broadly the East African governments were generally agreed by now that development required restrictions on labour rights (see R. Sandbrook 1975; 43-44; A. Amsden:100-102, 122-134; R. Scott: 159-163; R.E. Gonsalves:327-336; W. H. Friedland:130; I. G. Shivji 1983:16-17; W. L. Kapinga). Following the passing of this legislation H. M. Luande had called a UTUC General Council meeting to discuss the Uganda

Government plans to copy the Tanganyikan legislation of which he claimed to have confidential knowledge (R. Scott:142-3). He was soon to be proved correct.

Presenting the Trade Disputes (Arbitration and Settlement) Bill . 1964, G. B. K. Magezi, the Minister of Housing and Labour, affirmed government's encouragement of voluntary industrial relations in general. State intervention would only arise where agreement between the parties could not be reached. He explained:

It is Uganda's policy that industry should be given the fullest encouragement and opportunity to regulate its own affairs by its own machinery for industrial relations. In many industries collective agreements between employers and workers contain the procedure to be followed for the settlement of disputes... But in the interests of workers and employers, the community as a whole and the country, the Government has an ultimate responsibility to try and prevent industrial conflict. It is, however an accepted principle that the Government should only intervene where, because workers and employers are not organised, there is no effective bargaining machinery in an industry or when negotiations through an industry's own machinery have broken down and no settlement of a dispute has been reached (UG:1964(a):2400-2401).

The main innovations of the new Act were: to prolong the dispute settlement procedure, to place the overall supervision in the Minister of Labour, greatly restrict strike action even more so in the essential services and to more systematically institutionalise industrial conflict resolution.

Unlike under the 1949 Ordinance disputes were to be reported not to the Labour Commissioner but the Minister (S.1(I),Cap. 200). The Minister's options were very many. He could reject the dispute if he considered it outside the Act's provisions or refer it back to the parties for further negotiations (S.1(3)(a-c)); he could accept

the dispute and "endeavour to conciliate the parties" (S.1(3)(d)) or refer it "with the consent of the parties thereto" either to an arbitration tribunal appointed by him or the Industrial Court (S.(3)(e)). But existing dispute settlement machinery between workers and employers had to be exhausted before such reference could be made, unless both parties consented to it (S.1(4)). Alternatively the Minister could appoint a Board of Inquiry to look into the dispute (S.6(1)). If the parties failed to implement its recommendations the Minister could then refer the dispute to an arbitration tribunal or the Industrial Court (S.6(5)). Any award made by the tribunal or Industrial Court had to be submitted to the Minister (S.7) who was the only one empowered to publish it (S.8).

Apart from the elongation of the dispute settlement procedure workers' right to strike was more severely circumscribed. First it was now an offence for anyone to declare, counsel, procure or abet a lock out or strike before the voluntary and statutory dispute settlement machinery had been adhered to and exhausted (S.15). The offence was punishable with up to one year imprisonment or a fine of Shs.1000 or both (S.15(3)). The provision no longer applied only to essential services. As for the essential services it was an offence for any worker to break or terminate his contract of service whether alone or collectively where the effect was to stop or substantially diminish the availability of the service (S.16(1)(a)). Here punishment would be up to 14 days imprisonment or a 500 Shs. fine or both (S.16(1)(b)). Even outside essential services where a worker alone or with others broke or terminated his contract where the result was "to endanger human life or public health, or to cause serious bodily injury to any person, or to expose valuable property

to the risk of destruction, loss or serious injury" was guilty of an offence (S.16(1b)). Counselling the breaking or termination of contracts in these circumstances was also an offence punishable with up to three months imprisonment or a fine of Shs. 3000 or both (S.16(2)).

Theoretically a strike was still possible in the essential services. A strike notice had to be given and 14 days had to elapse and the strike had to take place before the expiration of 21 days after the delivery of the notice to the employer. Such seven-day strike would be possible only if the notice was "accompanied by a Certificate under the hand of the Minister stating that a dispute in an essential service has been reported, that twenty eight days have elapsed since the date of the report, and that the dispute has not during that time been referred by him for settlement by the Industrial Court or an arbitration tribunal" (S.17). Thus only if the Minister did not refer a dispute and the employer did not try to settle in the periods provided for, could the seven-day strike take place.

Finally, it should be pointed out that for the first time a standing Industrial Court was established to avoid the ad hoc appointments of arbitration tribunals for dispute settlement as had hitherto been the case. It consisted of a President appointed by the Minister, an independent member and one representative for employers and workers respectively (S.4(1 and 2)). But the President would appoint the other members from panels representing workers, employers and independent members, which panels would be appointed by the Minister (S.4(2)(c-e) and (3)).

There were two important motivating factors for this Bill. The first was the need to encourage industrial peace so as to attract foreign aid and investment. The second need was to prevent the politicisation of workers through such militant and politically-directed industrial action emanating from the experience of UPC-YL and the UFL between 1962-1964. On the first objective the Minister explained:

Strikes and industrial unrest will earn a bad reputation for this country and... the consequences will be to deter investors from bringing industries here and will discourage these countries who might be willing to lend us money for development schemes from giving us assistance (UG:1964(a), Supra:2043-2044).

For the second objective the Minister was even more candid:

During the last few years there have been many strikes called by individuals or local groups acting irresponsibly. Most of the strikes which have occurred have been unconstitutional, that is to say, they have been called before the grievance procedure contained in an agreement between the workers, through their unions, and their employers have been followed. Most of them have been unofficial, that is to say, they have not been called by the union following a decision taken by the executive committee in accordance with the union's rules. Sometimes strikes have not been caused by anything arising out of the relationship between workers and their employer but have been instigated by people who were not even workers themselves, for political reasons, or for other reasons, in order to serve their own ends (ibid.2403).

Again while workers in the public service in essential services were completely prohibited from striking, as we shall see below, restrictions on strikes in essential services in the private sector would apply to the withdrawal of labour "whether in pursuance of a trade dispute or otherwise" (S.17). This would be so also because

there is always a risk that a strike of workers in an essential service might be called in support of some political or other objective totally unconnected with a trade dispute. Under the new provisions restriction on withdrawal of labour will apply to these cases also (ibid. 2045).

Opposition to the Bill was widespread. Both UTUC and the opposition DP focused on the overwhelming powers of the Minister and the implications of the Bill for voluntary industrial relations. Even the press usually unsympathetic to workers added its objections.

The opposition argued that the Industrial Relations Charter signed only a month before and witnessed by the same Minister introducing the new law had not been given a chance to foster voluntary industrial relations processes. Strikes, they argued, would continue so long as there is a misunderstanding between workers and the employers (Mr. Magara, ibid. 2406). Disputes Mr. Magara for instance contended should be reported to an apolitical civil servant, the Labour Commissioner, as before, especially as many recent strikes had been political and in fact organised by a section of the UPC. He foresaw political bias from a Minister in favour of workers who supported the Government (ibid. 2046-2047). The appointment of the Industrial Court President, of the panel members, or an arbitrator, the power to vary awards (S.8) all by the Minister were seen as dictatorial and against industrial peace and good industrial relations. Even at the committee stage objections by H. M. Luande to the Minister's dictatorial and discretionary powers, and proposals that they be subjected to some limitations such as requiring the Minister to give reasons for his decisions,

were all brushed aside and the Minister's powers and absolute discretions maintained (UG 1964(b):2504-2506).

Outside parliament trade union leaders organised no protest but limited themselves to denunciations of the Act in the press. The Acting G. S. of UTUC, L. Wasuda threatened that unless the Act was repealed workers and their families would not vote for UPC at the next election. He maintained that

only mutual understanding can bring about stability in the country, not restrictive laws. We have understood and learnt that restrictive laws can only drive people to act in a wild manner... Since strike is our birthright we shall go on strike come what may (Uganda Argus 16-7-1964).

Many trade unionists condemned the statute and felt that the UPC Government had all along acted dishonestly by sponsoring tripartite discussions on the Industrial Relations Charter while simultaneously preparing restrictive controls over workers freedom to organise and to withdraw labour (R. E. Gonsalves:329). Even the paper usually unsympathetic to workers, whilst arguing in favour of the need to protect the undefined "public interest", endorsed the view that "the legal provisions... proposed are stringent, providing penalties for the withdrawal of labour in other than specified conditions. They would appear, in fact, to seriously limit the freedom of many employees if they are to be interpreted literally" (Uganda Argus 29-6 - 1964). In spite of all this opposition, due to its parliamentary majority, the UPC Government passed the Bill as presented.

(c) THE PUBLIC SERVICE (NEGOTIATING MACHINERY) ACT 1963

The statutes which directly affected the organisational rights of workers were the Public Service (Negotiating Machinery) Act of 1963 and the 1965 Trade Unions Act. We deal with the former first. This Act fundamentally altered the nature of trade unionism in the government sector in four ways. First it destroyed the collective bargaining rights of UPEU (Uganda Public Employees Union). Secondly, it subjected the public service to a dictatorial dispute settlement process. Thirdly it completely removed the right to strike in essential services operated by government and finally it reduced the right to join a trade union to a privilege of only the unestablished government employees with only a few others excepted.

It may be recalled that long prior to independence public employees were organised in three racial staff associations and the Kampala Government Staff Association (Cap. II: 36-37, 76-77, 85-87). By 1959 however local government employees' unions were being registered for instance in Bugisu, Bukedi and Lango, followed by Busoga in 1961 (R. Scott: 22). In addition there were a number of African staff associations covering medical assistants, laboratory assistants, dispensers, health inspectors, nursing orderlies, veterinary assistants and meteorological officers (ARLD 1959; 89). UPEU itself was formed only in 1961 with the help of the Public Service International (PSI) as part of its initiatives to "assist" African public employees' organisations (R. Scott: 118-120). In fact prior to 1962 the Whitley Councils system which was being used had proved ineffective. Hence the enthusiasm for union formation in the run up to independence.

When UPEU was formed it amalgamated most of the local government unions and included many officers of the established section of the civil service and even senior civil servants; indeed senior officers of the Central Government were then dominant in UPEU, the first President being a University graduate who soon became a Permanent Secretary (*ibid*: 130-131)..

The intention of the UPC Government was to separate the established from the unestablished section. Government tended to view the established officials more as employers or the embodiment of the state itself. It indicated informally that it would recognise the UPEU as representative of only the E-I Scale established group and the unestablished. And UPEU agreed not to try to recruit numbers above the E-Scale. Further, Government emphasised that

any attempt on the part of the union to recruit from staff graded in other scales would be regarded as a breach of the agreement and result in the withdrawal of recognition of the union as a negotiation machinery for all Central Government employees (*Uganda Argus* 14.8.1962).

Besides, the Government made a 20% salary reduction for all recently appointed super-scale civil servants following a recommendation of a Commission on Africanisation (CO: 1960) ostensibly to increase wages for the unestablished employees. Thus a division was achieved as senior officers began to attack UPEU leaders who accepted the change as traitors (R. Scott: 167-8). As R. Scott put it "it was becoming obvious that the UPEU could not serve two masters and the established group were being deprived of effective union representation" (*ibid*: 168). Essentially Government feared that unionised officers, the established group would have divided loyalties.

It was in the context of these developments that the Government presented the Public Service (Negotiating Machinery) Bill 1963 to parliament. There were three reasons advanced for the Bill. The first and foremost was that the dispute settlement process, especially disciplinary action, appointments and dismissals of public officers, then subject to the general Trade Disputes (Arbitration and Settlement) Ordinance 1949 were ultra vires the 1962 Independence Constitution and contravened the supremacy of parliament. The Minister argued:

In all matters of the state, Parliament is the guardian of the public interest and public funds and it could happen that the public interest could clash with interests of Government servants, where conditions of service and discipline are concerned, and many of the issues which arise in the public service require reference to this sovereign Parliament to make provision of funds (UG: 1963: 705).

He further contended that unlike private employers who could voluntarily accept decisions of an arbitrator in disputes

Government could not agree to any limitation of its sovereignty in this matter by allowing an arbitrator to commit public funds this honourable Assembly could do no more than rubber stamp after the funds have been committed. This necessity to avoid limiting the Sovereignty of Parliament is a principle behind the whole of this legislation (ibid: 706).

Secondly, the Minister argued, civil servants should not have divided loyalties between Government and the union. He observed:

If they (government opponents) think that these people should go and read Cabinet draft memoranda to their organisation out there in the trade unions, I say this is not good for U.P.C. If they think they should be members of trade unions so that they can get all the secret letters, I must say we would have to scrap the Secrets Act because it would not be necessary. Their loyalty must be to the Government (ibid: 722).

Emphasising the need for Civil Servants' loyalty he insisted:

It is their duty to carry out without grumbling the policies of the Government of the day. Anybody who disagrees with that will be out... If this is not to be the policy, you will have so much sabotage in this country, not necessarily within Uganda, emanating from within us, but you will have all these chaps sending all their secret documents to all the bogus people who come here... Their loyalty must be to this country (ibid. 723).

Finally the Minister opposed ILO standards on freedom of association in the interests of rapid economic development. He concluded:

In underdeveloped countries let us make no mistake; these ideas may sound glorious, about what is happening in the States or... in Moscow or West Germany..... We can only advance this country by realising that our conditions require us to work very hard. And if we are going to pay public officers from public funds the Government must have sufficient powers to ensure that nobody is receiving public finance for nothing (ibid. 219).

The Public Service (Negotiating Machinery) Act 1963 established a Joint Staff Council (JSC) members of which would be appointed from nominees of the Permanent Secretary and the relevant trade unions (S. 3). The objects of the JSC were "to secure the greatest measure of co-operation between the Government, in its capacity as employer, and junior public officers, to provide machinery for dealing with grievances of junior public officers and to enable consultation to take place in matters affecting the well-being and efficiency of the public service" (S. 4). The functions of the JSC were: to negotiate terms and conditions of service of junior public officers and those below them, to advise government on any matter and "generally to assist in the furtherance of good relations between the Government and junior public officers" (S. 5). But specifically, the JSC was excluded from considering, advising, or making recommendations relating to "any matter concerning the appointment or non-

appointment, disciplinary control or removal from office of any individual public officer" (S. 5, proviso).

The Act applied only to "junior public officers". This meant:
a) A group employee paid at a "daily, weekly or fortnightly or monthly rate... who is not holding an established office"; b) a public officer holding or acting in an established office on an annual salary between Shs 1200-3012 (S. scale); or c) a public officer holding or acting in an established office with the annual salary between Shs. 2280-11,964 ("E" Scale) (S. 2).

The Minister was empowered to designate any trade union to be the relevant trade union for the purposes of the Act (S. 2(1)) and to amend the meaning of "junior public officer" (S. 2(2)). For the avoidance of doubt senior public officers, that is, those above the junior public officers, were prohibited from becoming members of "any trade union or anybody or association affiliated to a trade union" (S. 25(1)).

An agreement reached by the JSC on terms and conditions of service of government employees covered by the Act was binding on the parties and could not be re-opened within 12 months except with the Minister's approval (S. 7(1-2)). Disputes would be reported to the Minister (S. 8). And the Minister was given a wide range of discretionary powers to deal with JSC disputes (Ss. 9, 12(1)). Awards and reports of a Board of Inquiry appointed by him (S. 19) had to be laid before the National Assembly (S. 15); the award was binding on both parties within 12 months and could not be varied except with the Minister's Consent (S. 16). According to the Minister the Government side in the negotiations would be empowered "to negotiate to finality only such matters as would not normally

require the approval of Cabinet and/or this Parliament"; laying awards before the National Assembly would also guarantee that "the sovereignty of Parliament is protected" (UG 1963 supra: 706).

Finally the Act prohibited any junior public officer from taking part in a strike "which causes or is likely or calculated to cause a cessation of work in any of the essential services specified in the First Schedule to this Act" (S. 18(1)). The essential services were: water, electricity, health, sanitary and hospital services and transport services necessary or auxilliary to these services and fire services (First Schedule; cf. Schedule to the Trade Disputes (A & S) Act 1964). Even for the non-essential services striking was virtually impossible. S. 17 provided that no junior public officer could take part in a strike unless these conditions were fulfilled: a) a report of the dispute has been made to the Minister, b) 21 days or such longer period as the Minister may allow have elapsed from the date of the report, and c) during such period the dispute has not been settled or referred back to the Council or to a Board or if referred to a Board, 21 days or such longer period as the Minister may allow, have elapsed and no award has been made by the Minister. Contravention of this provision would be deemed misconduct justifying summary dismissal (S.17(3)).

Both H.M. Luande, still a member of UPC then, and the DP parliamentary opposition strongly castigated the Bill. They relied on the UN Human Rights Charter, ILO Conventions and Uganda's Bill of Rights arguing that the Bill contravened them. H.M. Luande opposed the overwhelming powers given to the Minister and the prohibition of most of the public officers from joining trade unions. As to the length of the dispute settlement process he warned: "... it is only

a matter of trying to prolong the dispute so that workers become frustrated, industrial relations are destroyed and some people become angry and go on strike" (UG:1963 ibid. 710). Stating that workers were "responsible" and did not want to demonstrate, he concluded:

We have tried to convince the Government that this Bill was being copied word for word from Ghana and Tanganyika outside this House. This is how things begin. If you try to interfere with freedom of association, you start slowly, then you go on extending your hand... I say so because I would not have thought that the Government which was supported by workers, could come out with such a Bill which amounts to causing divisions among the workers in this country (ibid.707-708).

Mr. Ochola wondered why voluntary industrial relations were encouraged in the private sector while lowly paid government workers like sweepers and grasscutters were being disadvantaged, with no equal union protection as every decision on their terms and conditions of service virtually depended upon the Minister (ibid. 713-714). Mr. Obonyo concluded with the political motivation for the Bill:

In those communist countries what they usually do is to start with civil servants, close their mouths and never allow them to join any organisation to oppose the government, which is another way of victimising them. When they have finished with the civil servants, they pass on to other organisations. Here is a Government starting with the lower class of Government employees. As soon as they have finished with these people they will pass on to other organisations and I think that the earlier we take action to stop this the better. It will not be in the interests of this Government to single out these loyal workers in order to shut their mouths, restrict them from organising and claiming their rights (ibid. 716).

Before the Bill was passed both UTUC and FUE met the Ministers of Labour and Public Service in the LCC to dissuade the Government from passing it (R. Scott:171). UTUC argued that it would have been

better for the Government to concentrate on finalising the Industrial Relations Charter through which both Government and the union would feel bound by honour to respect 'industrial ethics' in disputes (Par. 3, UTUC Memo, in *ibid* 172). But the Labour Minister, A. Ojera, stated that the Government was aware of the LCC but only as a consultative body and "the decision when to consult the Committee rests with the government and when it is necessary to do so" (UG 1963:*supra*. 717). Secondly due to the "co-operative" stand of UPEU it had been given specific representation in the LCC. The Minister confirmed that UPEU was "responsible" and that he "appreciated the way they have been working with the Government", concluding: "I have had talks with the leaders of Uganda Public Employees Union (UPEU) to which we are committed and with whom only we can deal and not him (Luande)" (*ibid.* 218-219). In fact it was at this time that UPEU was, though still affiliated to UTUC, in the process of leading the formation of FUTU following the UPC-directed dissolution of the militant UFC. UPEU was therefore gradually taking a clientelist role vis-a-vis the UPC regime. It accepted the legal changes and welcomed them claiming that workers rights still substantially existed (R. Scott:172-3).

The government's reasons for the restrictions cannot stand up to scrutiny. The complete prohibition of senior civil servants from joining trade unions on grounds of loyalty was unsustainable because other countries like Kenya and Nigeria allowed unionisation without any damage to the state (E. C. Iwuji:209,212; M. A. L. Omole:149-160). On the question of official secrets only very senior officers usually have access to secret or important state information. Only those junior officers with special access to such information need have been restricted. The Bill was passed in December 1963.

(d) THE TRADE UNIONS ACT 1965

The Trade Unions Act 1965 (No. 11/1965) completed the post-colonial legal framework of industrial relations. Of the three Acts it was the most extensively debated. It repealed the 1952 Ordinance and brought in new provisions. The declared aims of the Bill were essentially three. First and foremost the Minister of Labour and the Registrar were given wide powers of control over unions to ensure that they were run in the interests of economic development. This was a consolidation of the developmentalist philosophy of the Trade Disputes Act and the Public Service (NM) Act. Secondly government claimed it intended to help the development of stable, viable and financially sound unions less dependent on foreign aid. Finally government claimed it intended to ensure democracy and accountability of union leadership. To encourage "responsible unionism" militant non-Ugandans would be excluded from leadership, while to encourage strong unions employers would be required to some extent to recognise unions and a "check-off" system would be provided for.

Laying perfunctory claim to the government's acceptance of the concept of freedom of association the Minister justified the Bill thus:

... the conception that members of the trade union movement can be relied upon to supervise its management and to take effective steps to protect themselves against unscrupulous leaders is an anachronism. Therefore in the interests of workers, the community, and the country as a whole, the Government has an inescapable responsibility to ensure that the administration of these organisations whose activities determine the economic progress of this country is properly undertaken, especially by the people who have the interest of the nation at heart (UG 1965: 1767).

He then argued that because some unionists had misappropriated union funds this necessitated powers for the Minister "to inquire into the affairs of the union and to take appropriate steps to ensure that the management is carried out in the best interests of the members of the union" (ibid. 1768).

Referring to non-Ugandan leaders who were only Kenyans in any case, he asserted:

Others particularly those who are non-Ugandans have ignored the principles of collective bargaining, abused the freedom of association, and ignored the statutory machinery for the settlement of trade disputes thereby resorting to strike action as a means of maintaining themselves employed under the guise of protecting the interests of workers whilst in effect jeopardising the economy of the country...; a provision is... made in the Bill to exclude such irresponsible elements from the leadership of our trade unions (ibid).

Further regarding unions' financial dependence on foreign sources a provision was made in the Bill to enable the Minister "to make regulations concerning the system known as "check-off" and "in regard to the amount of union subscriptions". He added, "I have no doubt that when members who lead these various trade unions manage to get sufficient funds they would cease functioning as automatic typewriters of Brussels, New York or Peking or Moscow (ibid).

Finally the trade union movement was supposed to be strengthened as the Minister was empowered "to direct that a registered union be recognised after satisfying himself that refusal to such recognition is not in the best interests of our workers" (ibid. 1769).

The claims of the UPC government aside, objectively, the provisions of the new Act may be put into three categories. First of all compulsory registration was strengthened and ministerial

powers to make inquiries and investigations created. Here the intention was strict control of the objectives and functioning of unions within boundaries determined by the state. The second type of provisions aimed at deradicalising and depoliticising workers especially union leaders. Finally the most numerous provisions were meant to nurture either strong, sizeable and viable unions or to ensure democratic processes and accountability of union officials. In other words at least conceptually, government saw no contradiction between the broader aim of state control and a minimum level of intra-union democracy.

The Act maintained compulsory registration (S.3) and the whole Act revolved around this principle. All unions registered under the 1952 Ordinance had to apply for re-registration (S.3(3)). The requirement for registration was now also extended to union branches (S.10(1)). This was meant, the Minister said, to stop "abuse by unscrupulous persons who purport to act on behalf of branches and collect funds from members without accounting for them" (UG:Supra. 1773). Further, the Minister was empowered to order any person, body of persons, representatives of any group of workers (whether a trade union or not) or any organisation to which registered trade unions were affiliated or any person or organisation or workers movement concerned with and devoted to trade unionism or labour relations to notify his existence or its establishment to the Registrar (S.11). This seems to have been an attempt to deal with organisations such as the former UFL and UPC-YL in order to be able to bring them under statutory control.

Apart from registration and notification the Minister could order an inspection or investigation into any union. Inspections

were supposed to check on union management considered dictatorial or oppressive to some members or to provide the Minister with a "full and fair statement" of any issue (S.53(2)). Alternatively the Minister could appoint an investigator following a report under S.53 or on the application of the Registrar or at least six union members (S.54(1)). After an inspection or investigation criminal or civil proceedings could follow or the Minister could direct the Registrar to cancel the union's registration (S.58). The Minister could also investigate the membership of any union and in this respect could require anybody to give him any information as to "the present and past activities or interests of the members of the trade union and the names and addresses of any other person interested, or any persons who act or have acted on their behalf in relation to the membership, affairs or activities of the trade union" (S.59(2)). If this failed the Minister could order the cancellation of the union's registration (S.59(5)). These sweeping powers were justified on the basis that the Registrar under the 1952 Ordinance had powers only to refuse registration or order cancellation which powers were not "sufficient to bring to book the abuse of power by those in control of the affairs of a trade union" (UG:Supra. 1776).

The second type of provisions aimed at deradicalising and depoliticising trade unions concentrated on union leadership eligibility criteria. All national union officers had to be employed in the relevant industry though this time for a period of one year (S.17(1)) instead of three. Only at branch level could a treasurer or secretary be an outsider to the industry. The most controversial provision however was the exclusion of foreigners from union leadership. S.4(4) stipulated:

No trade union or an employees' association shall be registered under this Act unless the officers thereof and the members of its executive committee or any other committee thereof are persons who are citizens of Uganda.

This was one of the reasons why all hitherto registered unions had to reapply for registration under the new Act (S.3(3)). The few militant Kenyan union leaders were being made scapegoats for the wave of strikes between 1961-1964 (see pp.110-111). The Minister clarified:

M.P.'s should not look at trade unions merely as catering organisations for the interests of workers in industry. These organisations can ruin a country's economy... make no mistake. The people who lead these organisations must have the country's stake at heart... any trade union group in developing Africa, which is going to gang-out to oppose the Government is doomed to end up very badly, because the Governments Africa which are progressing are determined to ensure that all force is available to be used for the development of the country (UG 1965:Supra 1772).

Thus foreign - which was Kenyan-union leadership was being presented as anti-Uganda and anti-development.

The rest of the new provisions were meant to enhance union strength and viability on the one hand and democracy on the other. For union viability provisions on check-off and recognition were made. S.13 provided that a union with members in an enterprise was bound to be recognised and if the employer declined to grant recognition without reasons satisfactory to the Minister the Minister could order that the union be recognised. However the question as to who was unionisable, that is who could join a union, in the private sector was left to collective bargaining because, it was claimed, "it would be difficult to determine by law"².

As for the check-off system the Minister was empowered to make regulations (subsidiary legislation) to regulate the basic

agreements and arrangements in respect of this system and the collection of trade union subscriptions (S.63(2)(g)). Although the Minister accepted that union leaders were responsible enough to exercise proper control over vast union funds and that financial stability would ensure the independence of unions from external sources (*ibid.* 1777) no such regulations were made until 1974 (S.I 71/1974).

It may be noted also that the size of unions was expanded. While under the 1952 Ordinance a minimum membership of seven (S.2) was required, now this had to be at least 30 for both unions (S.65(1)) and employees associations. For the latter this was in addition to notifying their formation to the Registrar (S.65(1), S.48(1)). The concepts of probationary trade unions and distinction between employees' associations and organisations of the 1952 Ordinance were abandoned. The government seemed committed to the development of strong viable trade unions. Taken together all these provisions showed the state's determination to subjugate the unions to its policies but at the same time attempting to lay down a legal basis for intra-union democracy as we show below. In practice the state's interests were to concentrate only on the former object.

The provisions meant to encourage democracy and accountability in the unions revolved around union funds management and administration and holding of meetings.

Originally while only a person who had committed a fraud in connection with union funds could not hold office (S.29, 1952 Ordinance) now no person could hold union office if he had been convicted of any offence involving fraud or dishonesty (S.17(6)). The Registrar was also empowered to remove a treasurer whom he

deemed incapable of carrying out his duties. (S.17 (4) and (5)). The Controller and Auditor-General were empowered to audit the annual balance sheet of every union (S. 38(3)). Further for the first time union officers were made collectively responsible for the submission of the annual returns and collectively liable for failure to do so (S. 39(1) and (3)). The Minister explained that

a number of those who are now required by the law to submit these returns, when the funds of unions are squandered, some of them resign in three or four days time and disappeared (into) oblivion. It will be very difficult this time for the whole executive to disappear or the officers of the unions (UG: Supra, 1775).

Finally any union member could apply to a Chief Magistrate for an injunction to prohibit an officer of a trade union from holding office or controlling funds. The injunction could be granted on a prima facie case of fraudulent misuse of union funds (S. 43).

To ensure democratic decision-making processes new provisions on meetings and records thereof were also made. Every trade union had to hold an annual general meeting in default of which the Registrar could order its convocation and give any consequential directions in relation thereto (S. 20(1) and (4)). Failure to hold an annual general meeting was an offence on the part of union officers (S. 20(7)). Union members - at least 20% of the voting members - were also empowered to call an extraordinary general meeting (S.21). Further every union had to keep minutes of all proceedings of general meetings and executive committee meetings in minute books (S. 22(1)). These books were open to every union member and the Registrar (S.23).

Opposition to the Trade Union Bill was extensive and deeply felt. Both the UTUC and DP opposed the restrictive and

"politically-motivated" aspects while FUTU supported Government position.

H.M. Luande based his opposition on the Bill's contravention of ILO Convention No. 87³, the Uganda Constitution and the spirit of the UN Declaration of Human Rights. Explaining that the Bill had been copied from Tanzania, giving the Minister Executive powers over trade unions without him becoming General Secretary of the central union as has happened in Tanzania (cf. I. Shivji 1986: 234-235) he argued:

We are...approaching dictatorship, and what a dictator does at first is to get hold of trade unions. This has been the practice in most African countries, that if one wants to dictate, first of all he snatches the whole trade union movement, puts them under his control then (they) would have nowhere to complain (UG 1965 supra: 1798-1799).

Outside parliament he repeated the same arguments (Uganda Argus 24.6.1965) and on behalf of UTUC called upon the ILO to declare the Act a violation of freedom of association principles under ILO Convention No. 87⁴. The ILO ruled in his favour though the ruling had only moral force as Uganda had not ratified the Convention (D.W. Nabudere 1980: 235).

More specifically H.M. Luande pointed out that government and, in particular the Ministers of State and of Labour - G. Ibingira and G. Magezi respectively - who sponsored FUTU (UG: Supra, 1808), was trying to use legislation to stifle the independent UTUC:

I think after having failed through FUTU to wipe out UTUC what they are doing is to bring an Act to assist the Minister. I think this is a very dangerous situation but we will fight it up to the last point... the background to this Bill...is... to have a UPC trade unionism (UG: Supra, 1800).

Finally Luande registered his opposition to the exclusion of non-citizens from union leadership, the overwhelming powers of the

Registrar and Minister over unions and, less convincingly, the complex and innumerable administrative work: reports, minutes and returns to be made by poor trade unions.

On the question of excluding foreigners from union leadership .

A. Mayanja of the opposition succinctly argued:

The right to organise a trade union, the right to belong to a trade union, ... is consequent upon the right to work... if we are going to allow non-Ugandans to work in Uganda we must also by the same token allow them the right to belong to trade unions, to play such part in these trade unions, as their capacity, intelligence, education and know-how entitle them to... the majority in any trade union are necessarily bound to be Ugandans, if these Ugandans decide to elect a non-Ugandan it must be for some purpose... (UG 1965(a): 1842).

Other opposition to the Registrar's enhanced powers over and ministerial intervention in trade unions centred around the fear that they would be mechanisms for political control through the registration of client unions, deregistering those opposed to government or some of its policies and the recognition of unions as a means of patronage. Mr. Latim summarised opposition views this way:

way: The Minister should refrain from making political advantage out of this Bill by trying to plant party supporters in every corner as they have been doing in many other Government Departments... and if he wishes the trade union movement to flourish in this country let him be clear out of political support (ibid. 1835).

Outside parliament the DP also issued statements in opposition to the Bill especially re-registration of existing unions as a political ploy to register government-supporting unions, the anti-East African anti-Panafricanist discrimination against non-Ugandans and inde supervisory powers of the Minister (DP 1965).

FUTU on the other hand, and as Luande claimed (U.G. Supra, 1806-1807), came out in support of the Bill without much

explanation. E.R. Kibuka leader of FUTU saw it as an advance from the actually more liberal colonial Trade Unions Ordinance 1952 and advocated for one or two national union centres "with a sound administration and direction from the top" (Uganda Argus 14.4.1965). He stated clearly that he had read the Bill "with pleasure and appreciation" (*ibid*). As with the previous Bills the Minister flatly rejected all the criticisms and the Bill was passed, becoming law in July 1965.

Although elements of the Bill were meant to encourage democratic trade unionism the overall structure was meant to ensure tight political control. But the democratic aspects also could only be concretised by a conscious and militant membership. This of course lay outside the purview of the law. In fact although Government was legally correct to say that Convention No. 87, not having been ratified, was inapplicable, irrespective of this the state had allocated itself powers that were more than supervisory. They were essentially aimed against a politicised and militant unionism of the 1962-1964 type. In general the new Act had taken away the liberalism and wider freedom of association of the Colonial Trade Unions Ordinance 1952.

What aggravated the situation for workers was that while one faction of the union leadership FUTU now took a pro-government line, the UTUC limited its protests to parliament, party offices (DP), complaints to the ILO and passive public opinion through the press without organising any effective protests by workers. Our task now then is to assess the impact of the new industrial relations legal framework on the trade union movement up to 1971.

4. THE NEW INDUSTRIAL RELATIONS LEGAL FRAMEWORK IN

PRACTICE: 1964-1971

In this section it is argued that the new legal framework was not successful in establishing strong, viable and democratic unions as the government claimed it should. This was so because while big unions had been formed after 1965 their viability and strength was only formal and outward. The reason for this was mainly the conflicting ideological conceptions of trade unionism advanced by UTUC, FUTU and government. Secondly the democratic aspects of the law were not realised due to structural defects of the unions, incessant leadership struggles, a disorganised rank and file membership and state lack of interest in enforcing the democratising aspects of the law. Thirdly the under-pinning objective of encouraging industrial peace, constitutional dispute settlement procedures as a means to economic development was hardly achieved due to workers refusal to follow dispute settlement procedures laid down in legislation and collective agreements. In fact the objective of holding down workers' remuneration so as to accumulate investible surpluses for development proved contradictory to the objective of industrial peace. Finally, African governments generally (Cap I:23) and the Ugandan one in particular, in the 1960s, argued that the small working class was a privileged minority and should not be privileged further. This view had generally prompted the enactment of the 1963-1965 legislation. Equally these arguments found support in the labour aristocracy thesis of the academics (*ibid:23-25*). Here we argue that in spite of minimum wage legislation, the initial high wage policy and Africanisation, the charge that the working class or a significant section of it constituted a labour aristocracy is

groundless; on the contrary only a very small section of the working class was privileged while a new but African local dominant class, the bureaucratic bourgeoisie was being created at the expense of both workers and peasants. Nonetheless the development of trade unionism helped workers improve their living conditions, in addition to improvements arising from the immediate post-independence wage policies.

(a) THE NATURE OF TRADE UNIONISM

(i) INSTITUTIONALLY VIABLE UNIONS CREATED.

In 1964 40 mainly small unions existed in Uganda (RU 1969: 105). It was against this state of affairs partly that the 1965 Trade Unions Act was aimed. Through the device of re-registration by the end of 1966 only 26 unions existed (General Notice 273/1966; RU 1969: 135) after a number of mergers had taken place. A further merger had reduced unions to 25 by 1970 (ARML 1970:4). This process of reducing mushroom union growths had, through registration and amalgamation, been largely successful. Most unions as a result of this rationalisation were becoming financially viable; many of them were more financially sound than the central unions (RU 1969:44). In addition, although there were no statutory requirement of employers signing "check off" agreements, several of these were gradually being signed including one between government and UPEU, thus improving the financial position of many unions (ARML 1966:20). However the improved financial and institutional position of the unions was not reflected in other respects. In particular trade union disunity continued while, as we show below, no democratic processes were nurtured. Union strength and viability remained only at the formal institutional level.

Below we show how ideological and leadership struggles, exacerbated by political intervention in union affairs ensured that concrete union viability, unity and concentration on workers interests, as ostensibly envisaged by the 1965 Act, were undermined.

(ii) IDEOLOGICAL AND LEADERSHIP STRUGGLES BETWEEN UTUC AND FUTU AND
THE ROLE OF STATE INTERVENTION

From 1964 when FUTU was formed with government backing after the dissolution of UFL a struggle over the definition of trade unionism ensued between UTUC and FUTU. Although ideological differences were involved the more determinant reasons were leadership struggles and state attempts to subjugate trade unions to Party and government. FUTU was led by E.R. Kibuke, the General Secretary of UPEU who resigned from the Vice-Presidency of UTUC. Right from its inception FUTU (Supra: I17) declared its support for Government, its opposition to the ICFTU and support for the Pan-Africanist union confederation AATUF. It affiliated to AATUF and tried to associate itself with Socialist Bloc trade unions while UTUC was affiliated to ICFTU. In a confidential letter to UPC MPs, revealing FUTU's direct connection with UPC Kibuka said FUTU was formed because of

the refusal of the UTUC leadership to alter its policy so as to reflect the political status of Uganda and its foreign policy and further to work co-operatively with the Government in its efforts towards economic reconstruction of Uganda (FUTU 1965; see also Uganda Argus 8.8.1964).

Secondly FUTU uncritically supported the new labour legislation on the grounds that no organisation could be absolutely free or "act outside the purview of... state power" and that "workers organisations cannot... consider themselves above the laws and regulations of the state"⁵. Finally FUTU opposed the ideology of

independent trade unionism espoused by UTUC and supported and encouraged by ICFTU. According to FUTU Luande and UTUC had

languishing under the influence of imperialism spearheaded by ICFTU... chosen to serve (ICFTU interests) under the cloak of free trade unionism, contrary to the aspirations of the people of Uganda...⁶

UTUC in turn accused FUTU of being a government puppet and although FUTU rejected this accusation and asserted that there was no government interference in union affairs and denied receiving assistance from both government and foreign sources⁷, there is incontrovertible evidence of government support for FUTU; in particular support by the right-wing of UPC led by G.K. Magezi, Minister of Labour, G.K. Ibingira Minister of State and UPC Secretary General and S. Odaka Minister of State for Foreign Affairs. They introduced E. Kibuka on political platforms as the leader of Uganda's workers. In 1964 G. Magezi selected FUTU officials as the official workers' representatives to the ILO Conference in Addis-Ababa (R. Scott:146-147) and in 1965 selected FUTU for the ILO Conference claiming that FUTU was more representative of workers than UTUC (Uganda Argus 19-6-1965). The claim that FUTU was more representative was later shown to be untrue by a Government Report (RU 1969:54, 9). The most incontrovertible evidence that FUTU was a creation and the base of the right wing faction of UPC though Obote was aware of and supported it is correspondence between FUTU and G. Magezi and between FUTU and AATUF between 1964-1965. FUTU had no funds of its own and relied on grants from AATUF in Accra. In a confidential letter E. Kibuka wrote to G. Magezi:

The activities of the FUTU your baby are growing by day and night and our financial commitments are increasing daily... In order to make things easy for you and me, I wish to solicit your help by drawing the attention of His Excellency (A. M. Obote-JB) to our monthly financial requirements... For the smooth running of the organisation a single cheque for the above amount (£350 for salaries, car maintenance, subsidy to 13 affiliates and administrative expenses) must be made available for our use every month until the grant from Accra is exhausted⁸.

Further J. Tettegah, Secretary General of AATUF, while in Uganda, had promised to transfer the money to G. Magezi for dispensation to FUTU⁹. By 1965 FUTU was desperate and wrote to AATUF:

... if you want this struggle to succeed, the car should be transferred immediately. The monthly allocation should continue as requested... Sincerely speaking everybody is very much worried, we do not know what is going to happen if nothing comes through in time. Please come to our rescue¹⁰.

And later as a Government Report found out FUTU had "ample financial backing" from AATUF (RU 1969:9).

Soon Government-FUTU relations developed into a patron-client relationship. The Labour Department allocated jobs in a sectarian manner, via the Labour Exchanges, to FUTU members. Because of unemployment, this gave FUTU some credibility among some workers (R. E. Gonsalves:334). G.Ibingira also signed a wage increase agreement with Kibuka's UPEU (ibid. 331), in addition to the general policy on minimum wages. These developments in fact prompted H. M. Luande to resign from UPC and sit as an independent M.P. in October 1964, explaining that while he believed "immovably in the independence and freedom of trade unionism" government policy was "to interfere in the liberty and freedom of organised workers' movements and to turn them into Government tools" in particular by supporting FUTU (Uganda Argus 9-10-1964).

In spite of this protest G. Magezi continued to support FUTU, in particular by registering anti-UTUC unions to bolster FUTU affiliates, as predicted by the opposition in the debate on the Trade Unions Act. For instance, although a union, NUPAW, already existed in the agricultural sector another one, the Uganda Sugar Workers' Union, led by J. M. Ojambbo, and supporting FUTU, was registered (Uganda Argus 12-2-1966). NUPAW was affiliated to UTUC and recognised by the Sugar Manufacturers' Association. That this registration had been politically motivated and disregarded the same law meant to achieve stability and viability of unions (see S.5(1)(d) 1965 Act) is vindicated by the fact that following the arrest of G. Magezi, G. Ibengira and other Ministers in late February 1966 (as we show below) the new union was deregistered (Uganda Argus 11-8-1966).

But while FUTU was supported by AATUF and the UPC government UTUC relied on the ICFTU. In 1965 for instance, it sponsored a UTUC delegate to the ILO Conference when government supported a FUTU delegation (Uganda Argus 27-8-1965). Several affiliates of ICFTU also supported UTUC. These included AFL-CIO and PSI whose leaders visited Uganda. The British Labour Attaché in Nairobi and a PSI representative tried to persuade FUTU to rejoin UTUC. Indeed after the visits some FUTU leaders rejoined UTUC though according to FUTU they were bought by "hot dollars" brought in by the ICFTU agents (FUTU:1965 Supra). But significantly it was those leaders who failed to get posts on the FUTU Executive in November 1964 who rejoined UTUC giving the excuse that FUTU was run by "certain embassies in Kampala as well as by some local politicians" (R. E. Gonsalves:334).

The continued rift between FUTU and UTUC was indeed essentially a reflection of the intense Cold War situation of the 1960's. Internally it was just one of the means for engaging in leadership struggles though a few unionists supported positive neutrality and non-alignment. AATUF to which FUTU was affiliated officially espoused Pan-africanism, condemned colonialism and imperialism and advocated positive neutrality and non-alignment for the trade unions of Africa. AATUF Constitution prohibited its affiliates from affiliating to any other international trade union organisation. But in practice AATUF had very close relations with the Socialist WFTU. As such it was opposed bitterly by ICFTU. Thus although ICFTU's African regional organisation AFRO existed, in 1962 ICFTU formed ATUC (African Trade Union Confederation) specifically to oppose AATUF. ATUC advocated freedom of African unions to affiliate to foreign union organisations, but in practice this meant ICFTU and western union federations (for details see W. Ananaba 1979:120-140). Both ATUC and AATUF were mainly foreign funded. AATUF was funded by the Ghanaian Trade Union Congress (GTUC), the WFTU and Nkrumah's "contingency fund" (RU 1969:68) apart from its affiliates' subscriptions (W. Ananaba 1979:130). Although AATUF could have developed into a genuinely independent and non-aligned African trade union movement - independent of foreign domination and control by African governments themselves - the problem was the conceptualisation and organisation of the Federation itself. The setting-up of AATUF was conceived by governments, led by Sekou Toure of Guinea and Kwame Nkrumah off Ghana (RU 1969:65) and its organisation depended more on governments' support than workers themselves. It was in this context that FUTU existed in Uganda

supported by the government and funded by AATUF. UTUC on the other hand relied mainly on ICFTU (R. E. Gonsalves:420-421).

Thus because of being tied to foreign union affiliations and becoming participants in Cold War unionism and also due to state intervention in support of one union faction the trade union centres as well as their affiliates concentrated their energies on squabbles. The law, silent on both foreign union influence and political intervention, could not resolve these inter and intra-union struggles.

(iii) TRADE UNION "UNITY" : THE RISE AND FALL OF ULC

Because of the continued struggle between UTUC and FUTU the government was not happy with this situation. By 1965 A. Lobidra, Parliamentary Secretary to the Labour Ministry now publicly argued in favour of a new national union centre because UTUC and Luande were opposed to the government policy while "FUTU was supported by Mr Ibingira and Mr Magezi" (Uganda Argus 27-8-1965). But now, he suggested, such a new union should be chaired by a government nominee (*ibid*). The government was gradually thinking of control through a single union centre due to the failure of its divisive strategy of supporting one union faction, FUTU, hoping it would eventually replace or at least dominate over UTUC.

Within the union movement itself a section now felt that neither FUTU nor UTUC had workers' long-term interests at heart. Following A. M. Obote's urging that UTUC and FUTU should form "one strong trade union movement which will work with the Government for the welfare of the workers and of the whole nation" (UG 1965(b)):6) moves to unity began. While some leaders of UTUC and FUTU took

steps to further unity stating so in a communique (The People 31-7-1965) a subsequent UTUC Conference denounced them (Uganda Argus 8-6-1965). The supporters of unity later declared that the

question of unity would not be difficult had it not been for the selfish attitudes of the leaders of the two factions of the trade union movement - FUTU and UTUC - whom we have reason to believe are only prejudiced by their positions in a united labour movement (Uganda Argus 15-9-1965).

Although Obote continued to reiterate the need for unity (Uganda Argus 21 & 22 September 1965) and a ten-man committee was set-up to study the issue little was achieved.

What immediately led to the unity of FUTU and UTUC in 1966 was the defeat of the right-wing Ibingira-Magezi faction of UPC when the two and other three Ministers were arrested and detained in February 1966. Between 1964 and 1966 an intense ideological struggle had ensued within UPC following the ouster of J. Kakonge from the Secretary Generalship. Supported by the U.S.A., the right-wing Ibingira faction in alliance with monarchist forces in Buganda sought to unseat the Obote Government. (D. W. Nabudere 1980:259). The Ibingira faction removed UPC-YL officers sympathetic to J. Kakonge and nine leading left-wing members of UPC, including the militant Secretary for Youth Affairs, Raiti Omongin, were expelled from the Party (ibid; A. Mujaju 1973:300). Initially Obote supported Ibingira against the left-wingers (see A. M. Obote 1965). He even attacked the anti-ICFTU former leaders of UFC:

There are members of the Party who have been seriously concerned with the interest which ICFTU has in our labour movement. Such members including Mr Ojepa and Mr John Reich even without the authority of the Party, one time formed their labour movement and sought and obtained affiliation... to the AATUF. Mr Raiti Onongin would be remembered as one who issued several statements to the Press and wrote a number of letters condemning the affiliation of UTUC to the ICFTU. The Central Executive Committee has discussed the interest of the ICFTU in our labour movement and has took (sic) certain

decisions which we are now following as a Government (ibid).

In spite of his anti-left-wing position in 1965 Obote was forced to decisively move against the right-wing Ibiringira group when it became clear that they were planning, with outside help, to unseat him¹¹. Five Cabinet Ministers were arrested and detained and an incipient uprising in Buganda was crushed by the army (D.W. Nabudere 1980: 262-4; M. Mamdani 1976: 242-246).

It was with the arrest of Ibiringira and Magezi that UTUC and FUTU were effectively pressurised into unity. The new Minister of Labour L. Lubowa declared to trade unionists in a seminar on "Labour Problems in Uganda" that his policy was "to work to stamp out this rift within the next few months" (M.O.F. 1966:60). The Government was now more concerned about political dissidents using the factions in the trade union movement. At this seminar UTUC and FUTU were prevailed upon to set up a six-man Unity Committee to advance the cause of unity (ibid:108-9). On 23 August 1966 an all-union Conference agreed to form a new national centre, the Uganda Labour Congress (ULC) and a 12-man Caretaker Committee was set up to oversee the merger of UTUC and FUTU. ULC leadership was elected at the Inaugural Delegates Conference in November 1966 (ULC:1966).

The formation of ULC in 1966 did not in reality mean the unity of the trade union movement because it had been only a result of the unions' fear of even more government intervention had "unity" not been formally achieved. In the ULC elections L. K. Senkezi of UTUC became General Secretary, H. Luande ULC President while E. Kibuka was elected to the insignificant position of Organising Secretary. Even the Treasurer was from the former UTUC. Thus UTUC virtually led the new ULC (ibid; RU 1969:36).

ULC pledged to strengthen the union movement by encouraging the formation of a few strong viable self-reliant national unions. It pledged to concentrate on workers' education, create Youth and Women's Wings and publicise the importance of trade unionism. Grandiose social and economic projects, including the construction of a Solidarity Building, a housing project, consumer co-operative shops, credit unions, insurance and pension schemes, were all planned. Further the ULC declared its support for (government) tripartite institutions and the desire to seek membership on Boards of Directors of public and parastatal bodies. Finally in conformity with government policy of positive non-alignment and support for a Pan- African union federation¹², ULC pledged to "support any moves and initiatives aimed at achieving a truly Pan-African trade union centre". But in an oblique reference to communism, revealing its underlying ICFTU-inspired ideology it stated it would "strongly desist from advocating any doctrinaire concepts that are foreign to Uganda in particular and Africa in general" (ULC:1969).

In actual fact the ULC did not achieve much in its one and half years' existence. Organisational problems and ideological and leadership conflicts sparked off a crisis in April 1968 when the UPC government took advantage of the conflicts, suspended the ULC, closed its offices and took over its assets. In addition the government closed the ICFTU African Labour College in Kampala.

Financially the ULC never became self-sufficient. Its affiliates contributed only 10 percent of their income and many of them were always in arrears (RU 1969:135). ULC like its predecessors UTUC and FUTU continued to rely on foreign funds. Consequently it had only one full-time official, the General

Secretary, with no administrative machinery and cadres (ibid:37-38). Apart from representing unions in the Industrial Court, the ULC did not carry out any of its grandiose objectives (ibid:41). Indeed a Commission of Inquiry into its affairs concluded:

Lack of funds by the Uganda Labour Congress has reduced the organisation to the status of a beggar, passing the hat round throughout Europe for funds, for gifts, etc. The organisation could not purchase even a projector or a camera, but had to obtain these by way of gifts from the eastern block of countries (ibid:91).

As far as the general running of ULC was concerned the Commission of Inquiry concluded:

ULC was badly managed. It was not only the ULC that was so managed but the individual trade unions affiliated to it. The main reason for this was that the organisation did not have sufficient funds to be in a position to employ the services of full-time officials... (ibid:39).

Finally after exhaustively looking at the foreign relations of ULC in the context of East-West union divisions (ibid:42-91) the Commission's conclusion was that

although the ULC had dedicated itself to a policy of non-alignment... some of the leaders still continued to have fraternal relations with ICFTU and its associates. These relations were very near to affiliation (ibid 92).

As far as conflict was concerned, a Committee set up by ULC itself established that leadership conflicts existed as a fact and that E. Kibuka had failed to carry out his duties of organisation (ULC 1968). As ways of helping ULC achieve its objectives it recommended the removal of Kibuka as Organising Secretary, the increase of monthly subscriptions by ULC affiliates from 10% to 20% of their income and that ULC should approve the reception of foreign aid by the affiliates (ULC: 1968(a)).

Following these recommendations and a few weeks before the ULC Annual Conference, in a TV interview, Kibuka made allegations that ULC opposed the non-alignment policy of government and that all former UTUC officials continued to maintain ICFTU affiliation and to receive foreign funds. At the end of March 1968 the Finance and General Purposes Committee (FAGPC) of ULC recommended disciplinary action against Kibuka. In the meantime the Minister of Labour warned that government would "take over" the union movement if the UTUC-FUTU days of conflict returned and advised the calling of an extra-ordinary ULC meeting to resolve the conflict (R.E. Gonsalves: 358-359).

With his future in the trade union movement in the balance E.R. Kibuka and his supporters, with police help, pre-empted any democratic solutions and announced on 22 April 1968 that a "Revolutionary Council" had taken over the control of ULC, dismissed the incumbent officials, dissolved the executive committee and abrogated the Constitution. He then declared that his group had acted to save the ULC from foreign influence, undemocratic organisation and mismanagement, claiming support of 13 out of the 26 ULC affiliates (Uganda Argus 23.4.1968). Hoping for government support he promised to support it in its economic and industrial relations policies and not to send any trade union students to the ICFTU College until it was taken out of ICFTU hands (*ibid*).

It was due to these events that the UPC government took the opportunity to suspend ULC and take over its assets and, at the same time, close the ICFTU African Labour College in Kampala (RU 1969: 92). And subsequent to these government actions, on May Day 1968, A.M. Obote, at Gulu, now openly declared for the first time that

"the labour movement had entered a new era and therefore should be part and parcel of UPC" (Uganda Argus 2.5.1968). The Commission of Inquiry into the affairs of ULC appointed after these events was in fact a preliminary to this end (RU 1969). The recommendations of the Commission were important as part and parcel of the Move to the Left Strategy of the Obote regime between 1968-1971 as we shall see in Section 6.

(iv) LACK OF DEMOCRACY IN THE TRADE UNION MOVEMENT

The Trade Unions Act 1965 had been enacted, according to government inter alia to enhance internal union democracy and accountability of the leadership to the members. We argue here that both the government and the union leaderships were little concerned about the development of democracy. Instead government concentrated on trying to control the union centres while the union centres and later factions of ULC and their respective supporters in the affiliate unions concentrated on power struggles.

As far as ULC was concerned, although books of account were kept no budget was made and the affiliate unions failed to pay their monthly contributions. These omissions were contrary to both ULC Constitution and the 1965 Act (RU 1969: 20). Further ULC never had its books audited (*ibid.* 20-22). ULC collected and kept no membership returns as required by the Constitution (Art. 3(e); *ibid.* 33). In 1967 no Annual Delegates Conference was held and the 1968 one was pre-empted by the Kibuka "coup" (*ibid.* 10-16). Finally, there was no machinery for communication of information, decisions or fora for debates between the ULC and the rank and file. As the Commissioner concluded:

The facts before me indicated that most of this information (from ULC) never filtered through to the branches, and in some cases if it got to the branches (of ULC affiliates) it never got to the rank and file of the unions. This indicated that the existing machinery was defective (*ibid.* 38).

Indeed as one of the union leaders explained,

While the rank and file are aware of the existence of the Uganda Labour Congress, they hardly know what goes on in the Uganda Labour Congress until perhaps one of the members of their particular branch is selected to attend the week-end course organised by the ULC, or perhaps a seminar, or a trip abroad (*ibid.*).

The final assessment of ULC by the Commissioner pointed to the cause of the failure of democratic practice. Referring to the two ULC factions he concluded:

Both groups forgot the cardinal principle of trade unionism, which is to fight for, maintain and improve the living standards of the workers, and instead involved themselves in unending disputes which were not in the interests of the workers. Their priority was not to serve the workers but to assert their authority and influence over the entire labour movement. This is the reason which led both factions to attempt to attract financial aid from overseas to serve their respective purposes (*ibid.* 41).

As for the individual unions the situation was no better. First of all, the organisational structures of the unions were haphazard. Some unions selected delegates to the Annual Conferences from the shop level or the branch level. Union leaders could manipulate representation (*ibid.* 37). Although Annual Delegates Conferences appear to have been held by most unions, as far as branches of unions were concerned, meetings were very rare and as such "there did not exist an effective line of communication between the rank and file and the officials of the union" (*ibid.* 38). In fact even representation at the Annual Delegates Conferences (ADCs) appeared to be haphazard and arbitrary leading to incessant disputes

about the national officials usually elected-mainly because the branches were not defined uniformly (*ibid.* 39).

Although records of meetings were being kept as required by the 1965 Act what really mattered were the decisions reached. Since representation could be manipulated the records reflected only formal "democratic" proceedings.

Further membership returns were sent in only by a few. While in 1964 out of 40 unions only 4 sent in returns, and although there was an improvement between 1965-1966, in 1967 out of the 26 unions only 6 sent in returns (*ibid.* 105). The Ministry of Labour itself had not been enthusiastic about enforcing provisions intended to enhance democracy especially the preparation and deposit of annual returns to the Registrar, nor was there an enforcement of the requirements on audited accounts, especially as funds of individual unions had improved with the rationalisation of unions and the signing of some "check-off" agreements (ARML 1966: 20).

The impression given here is that because the rank and file union membership was disorganised and kept in the dark about union affairs and because union leaders were busy with leadership struggles while government concentrated on harnessing the central unions, the provisions in the 1965 Act meant to nurture democratic trade unionism remained generally dormant.

(b) TRADE DISPUTES, STRIKES AND INDUSTRIAL PEACE

The underlying aim of the Trade Disputes Act 1964 had been to encourage constitutional dispute settlement processes and thus attain industrial peace as a major prerequisite for economic development. The exclusion of all public service employees from the

arbiration process of the Act was, on the other hand, based upon parliamentary sovereignty considerations. We argue here that in practice industrial peace was only partially achieved and even so at the expense of the developmentalist policy of government. The scheduling of many activities as essential services was ignored by workers and even outside the essential enterprises strikes were always unconstitutional and illegal. It is suggested here that the repressive and restrictive dispute settlement procedures were ignored by the workers while the state found it difficult and probably counter-productive to enforce the law.

In general between 1965-1970 strikes declined with the exceptional year of 1969 (Seep. 111) mainly as a result of the development of collective bargaining (R.E. Gonsalves: 578-582) and the greater use of the arbitration process by unions. The latter was so mainly in places where the unions felt weak and where a show of strength in striking would end in defeat; but above all, unions had to contend with enormous political pressure against strike action (B. Nicol 1972: 519). But compared to Tanzania for instance where a similar institutionalisation of conflict had led to a virtual "disappearance" of strikes (D. Jackson 1979: 219-251) the drop in Uganda was only modest. What is more interesting in Uganda is that all the strikes after 1964 were unconstitutional and illegal (See B. Nicol 1972: 419; ARML 1970: 5). As B. Nicol observed,

It is clear from the present (his) research and the little that is known of strikes, that arbitration in any form is often irrelevant. Strikes often occur without even a pretence of negotiation at grass roots level. Very often they arise over issues that are not negotiable or acceptable as trade disputes. A very common demand of strikes, for example, is for the dismissal of supervisors and managers (B. Nicol 1972: 524).

But even where arbitration was submitted to in fact both employees and trade unionists complained against the long process stipulated by law and the long duration in practice taken, especially by the Industrial Court, to settle disputes (*ibid.* 534).

As for the essential services their stipulation had little effect too. Faced with continued strikes the government chose to expand the definition of essential services so as to be able to exercise compulsory arbitration. While in 1964 only 10 services were schedules as essential (Schedule, 1964 Act), in 1965 the Postal and Telecommunications services, following or rather in the course of a strike, were declared essential (S.I. 162/1965, The Trade Disputes (A & S)(Amendment of Schedule) Instrument 1965). When the Railway Union RAU(U) threatened to come out in support of the Postal workers whose demands had not been met since 1961-1962 in spite of recommendations of an official commission (R.E. Gonsalves: 338-9) the Railways were also declared essential (S.I. 162/1965). Again in 1965 following a strike, fuel, petrol and oil services and then Teaching and public transport services were also declared essential (S.I. 170/1965, The Trade Disputes (A & S) (Amendment of Schedule No. 2) Instrument 1965; See also B. Nicol 1972: 407). By 1969 they had increased to 22. In 1969 itself due to the escalation of strikes (See p. 13) further services were scheduled. They were eight: the East African Customs and Excise Department; the East African Fresh-water Fisheries Research Organisation; the East African Virus Research Organisation; the East African Income Tax Department; the East African Trypanosomiasis Research Organisation; services relating to rail, road, and inland waterways and ports; East African Food Research Organisation; and services relating to Civil

Aviation (S.I. 101/1969 The Trades Disputes (A & S) (Amendment of Schedule) Instrument 1969). The research organisations were in fact hardly "essential" but were added by the Minister as "an emergency measure on the eve of a threatened strike that would have been politically embarrassing within the E..A. Community" (N. Nicol 1972: 408). In fact these essential service provisions were mainly used as a threat because again, in practice, by 1970 the Minister never even once used his powers of compulsory arbitration nor was anyone prosecuted and convicted under the essential services provisions (ibid. 406, see also R.E. Gonsalves: 601-602) in spite of the strikes that took place in clear contravention of the law.

Finally although strikes were reduced, it was at the expense, to some extent, of government policy which sought after 1965 to restrict wage increases (UG 1966: 148-149) so as to accumulate resources for development. B. Nicol for instance came to this conclusion regarding the role of the Industrial Court in this respect:

The Industrial Court has assisted in achieving a reasonable degree of industrial harmony. In doing so it has largely ignored the Governmental objective of keeping to the suggested income norms of the second Five Year Plan (B. Nicol 1972: 435).

Thus it cannot be said that the excessive restriction of the right to strike, compulsory arbitration in essential services and the long dispute settlement process of the 1960s achieved their objectives in this period. The law did of course partly force the unions to use arbitration procedures, but for the most part the rank and file never even bothered to follow such procedures. Generally legality was used by the state to circumscribe workers' industrial protest but where workers actually came out on illegal strikes the law was not

used. Thus the law could provide a broad framework for workers behaviour in industrial disputes but could not achieve its objectives without actually redressing workers' grievances - the two proved contradictory.

(c) TRADE UNIONISM, DEVELOPMENTALISM AND THE LABOUR ARISTOCRACY

THESIS

The often made charge that to allow freedom of association fully as envisaged by ILO Conventions No. 87 and 98 would put members of trade unions in a privileged position vis-a-vis the rest of an under-developed economy was one of the arguments for restrictions on trade union rights in Uganda (*supra*:pp.127,136-7,140). However although after independence the use of minimum wage legislation and the Africanisation process greatly improved workers pay and conditions of service, throughout the 1960s the overwhelming majority of workers, up to about 90%, were not privileged at all. Only about 10% of all wage earners increasingly shifted from the ranks of the working class to the petty bourgeoisie by establishing their own businesses or to the bureaucratic bourgeoisie due to their greater access to state and parastatal resources which also helped them develop independent businesses. Again although part of this 10% may not have established independent businesses, their share of the national surplus compared to the rest of the workers was so high that they, rather than the working class as a whole, constituted a labour aristocracy (see Cap I: 22-25).

Apart from union struggles and the demands of workers in non-unionised enterprises especially in the early 1960s, the most useful sources of wage increases and improved conditions of service for

workers were minimum wage legislation and the policy of Africanisation. The greatest Africanisation process took place in the Civil Service. Africans in the newly "Africanised" posts were now paid former European salaries and although a 20% reduction of salaries for new recruits to the superscale was made (*supra* p.130) pay for senior civil servants and the civil service in general increased after independence. In the 1960s the higher civil servants received annual incomes of Shs. 36,000 or more, free or highly subsidised housing, a government car or subsidised car loan (RU 1982: caps 17 & 18). In the same period the minimum wage of ordinary workers was only Shs. 1800 per annum and in 1965 at least 47% of the workers in Uganda earned only this minimum wage (C.M. Elliot: 21). And in the rural areas in 1969, 93% of the adult males had an annual income of Shs. 2000 or less (RU: 1972: 92-94). In 1969 the number of Africans earning more than Shs 36,000 per annum was only 172 in the central government, excluding the salariat of parastatals, urban and local authorities (RU 1970: 106). By 1969 those civil servants earning more than Shs. 12,000 per annum were 1716 and earned 26% of total wages of the state administrative arm (J. Jorgensen 1977: 389). The unionisable employees of government all earned below Shs. 12000 p.a. (p. 132 though in 1968 the range of unionisable employees was further narrowed down (*infra*: 183-'4)). It was the privileged position of the civil service officers, their pay and allowances that were responsible for the lack of protest at the denial of rights to organise in the 1963 Public Service (Negotiating Machinery) Act. Having been put in such a privileged position, and with the process of Africanisation still continuing union protection was seen as superfluous.

It must be pointed out that although the Second Five Year Development Plan (1966-1971) banned general wage increases (UG 1966: 149), annual increments were fixed at 3.5% for civil servants, around the figure of inflation. This was in addition to promotional increments (C.M. Elliot: 31). Furthermore, the top civil service as well as management of parastatal companies and senior urban and local government officials were able to use their positions and incomes to create private property in the form of ranches, farms, shops and other businesses (See H.C. Campbell: 271-281; M. Mamdani 1976: 238, 272-274). In fact a study carried out in the 1960s situation showed that the higher paid workers had greater chances and options to invest part of their incomes in supplementary income activities while the less well paid and lowest paid were usually unable to break into additional economic activities (C.M. Elliot: 29-31).

In the private sector the impact of Africanisation was less dramatic. This was so mainly because Africanisation was carried out very slowly there, even resisted in some enterprises (*ibid*: 20-21). However the minimum wage policy did have considerable impact. The 1964 Minimum Wage Order set the minimum wage at Shs. 150 and 130 per month for big and small towns respectively and Shs. 90 for agricultural estates, cotton ginning and mining (S.I. 233/1965 Minimum Wages Order). This was a move from the 1962-3 minimum wages of Shs. 120 for Kampala and Shs. 84/50 for the smaller towns (S.I. 72/1963 Minimum Wages Order). Thus while in 1962 70% of all the recorded employees were paid only the minimum wage or less by 1965 those paid the minimum wage or less had reduced to 47% as shown in Table VI. The Second Five Year Development Plan then fixed wage

Table VI Distribution of recorded money incomes of African adult males in the modern sector: 1961-1970(%)

Income Range (Sh.s/month)	1961	1962	1963	1964	1965	1966	1967	1969	1970	Real Equivalent*
Less than 60	32	21	13	12	5	4	3	3	2	74
60-79	17	15	9	8	9	10	10	10	9	103
80-99	14	14	12	11	8	7	6	6	7	132
100-124	8	20	30	31	12	8	9	7	6	164
125-149	4	5	9	10	13	21	19	18	18	201
150-174	4	4	6	5	10	12	15	14	14	238
175-199	4	4	4	3	5	6	6	7	6	275
200-299	7	8	8	8	10	11	12	13	14	368
300-399	4	3	4	6	9	9	9	9	9	515
400-499	2	2	2	2	4	5	5	5	6	662
500-999	3	3	2	3	6	6	7	5	9	1102

* Money income required in 1970 to maintain 1961 real income at mid-point of interval.
 (First interval: Shs 50; last interval Shs. 750).
 Source, C.M. Elliot : 48

increases for five years (1966-1971) at 1.7% overall with the highest increases for the lowest wage earners who were paid Shs. 1800 p.a. (UG 1966: 149) though as we have seen the civil service continued to get increases at 3.5% annually.

The arguments for the new restrictive incomes policy were that further wage increases would increase inflation, increase unemployment as employees resorted to capital intensive methods and above all increase the income gap between rural and urban dwellers (ibid: 148; see also D.W. Nabudere 1980:231). While it is true that in the 1960s workers' incomes were greater than those of peasants (C.M. Elliot: 62) it must be realised that these workers especially the lower paid ones could not subsist on their incomes as a family. In 1962 the Government Report acknowledged that Shs. 240 was the minimum expenditure in town for an average family of four but the minimum wage rates were set between Shs. 84/50-120 (supra, 72; UG 1962: 11). While in 1964 the minimum wage requirements were acknowledged to be higher than the ones set: Shs. 130-150 (UG:1963(a): 8). Besides it has also been extensively demonstrated that almost all wage earners did share a substantial part of their income with their rural peasant kinsmen (see e.g. R.D. Grillo 1973: 44-64).

It is estimated that in fact the true labour aristocracy consisted of a very small proportion of the working class and earned at least Shs. 6000 per year or Shs. 500 per month, that is over 3 times the minimum wage of 1964-1965. The total number of employees earning this income increased from 4% in 1964 to about 10% in 1969 of the total wage earning class (J. Jorgensen 1977: 393). The importance of trade unionism in this respect was therefore not that union membership and thus union rights conferred a privileged

position. The best it did was to ensure that most union members received wages above the minimum set (see also R.E. Gonsalves: 506). On the other hand, a distinction must be made between that section of the wage-earning class which may not have launched itself into the ownership of other business but which was part of the privileged 10% and the top civil servants and parastatal company officials who were even more privileged and constituted an emerging bureaucratic bourgeoisie. In our view it is only the former that may be called a labour aristocracy while the latter, the bureaucratic bourgeoisie, constituted a new emerging separate dominant class. We shall talk about this more closely in section 6.

Thus although government argued that workers incomes must be kept down and their organisational rights restricted so that the urban-rural gap may be reduced and resources for investment accumulated, this was done at the expense of the majority of workers and peasants while a small section of the state sector, an emerging bureaucratic bourgeoisie, consolidated itself.

5. TRIPARTISM AND THE LAW-MAKING PROCESS

In this section we deal with the general concept of tripartism as it related to the process of trying to amend those legal provisions which affected the organisational rights of workers within the trade unions. Here our contention is that government generally ignored the principle of tripartism which it theoretically embraced under the Industrial Relations Charter and the setting up of the Labour Consultative Council (LCC) in 1962. However even in the intermittent way the LCC was used very little resulted from its deliberations as the state tended to use it to legitimise its

policies vis-a-vis workers and the unions, while in practice union views and even some unanimous LCC decisions were ignored and the government proceeded to implement its own version of policies and legislation. In this respect the methods adopted by the trade union leadership did not help advance workers organisational rights: while FUTU took a pro-government and clientelist line, the UTUC opted for parliamentary bureaucratic (LCC itself and complaints to the ILO) methods and seeking general public sympathy through press statements. These methods continued even with the formation of ULC in 1966 as the two former factions remained antagonistic till the suspension of ULC in 1968. As far as the struggle to change the law and improve workers' organisational rights was concerned the LCC was the main forum. It should be noted also that the individual affiliates of UTUC, FUTU and later ULC never made an independent input in the law-making process because they could only do so through their representatives in the central unions. Although UPEU could have made an independent impact as it had a specific seat in the LCC as a government employees union, its impact could not be felt because it generally took pro-government positions as its leaders were also the main leaders of FUTU. In short we argue that because the union leadership chose to restrict their struggles for law reform only to bureaucratic methods and excluded rank-and-file input they were largely ignored by government and were thus ineffective.

The fundamental flaw of the LCC lay in its powers and procedures. First, it was very confidential. Secondly it was purely advisory and consultative (LCC: Rules of Procedure, Clause 8). Thirdly, it was actually controlled by government. Its Rules of Procedure provided that it would meet "not less than three times

a year" though additional meetings could be held at the discretion of the Chairman or on the request of at least 6 representatives of workers and employers (LCC: Rules of Procedure, Clause 2). The LCC consisted of 16 members plus a Chairman and a Vice-Chairman. These two positions and that of the Secretary were filled by state officials. Above all the memoranda and proceedings of the Council and its Committees were confidential and no statements concerning the business of the Council or its Committees could be made public except by the Chairman with all members' approval (Clause 7).

Between 1962 and 1964 the LCC met only a few times and mainly discussed the Industrial Relations Charter. From 1964 with the formation of the pro-government FUTU, government ignored an LCC in which FUTU was not represented. Therefore during the drafting of the crucial Trade Disputes and Trade Unions Acts of 1964 and 1965 respectively no organised tripartite discussions took place. Trade unions were consulted separately and the Minister of Labour made it clear that the LCC was after all only advisory and he was not bound to follow the views of the trade unions or of any reconstituted LCC (UG 1965: 1778-1779, 1798). Promising to reconstitute the LCC, he asserted that the LCC was too slow and stated clearly:

its functions will be terribly limited to a number of not serious matters, and after all it is not under the law that I have got to have this, it is not legally obligatory (*ibid*: 1855).

The re-constituted LCC began to meet only in 1967 (LCC 1967). But again no LCC meetings took place between March 1968 and April 1970. With the closure of ULC and the ICFTU College, tripartite consultations were also suspended.

By the time the LCC met in 1967, 5 major issues affecting union organisation had arisen for consideration: the power of the Minister

to require an employer to recognise a trade union, qualifications for eligibility to become a union official, the requirements for amalgamation, the requirement to circulate union accounts to members and the question of consent before a dispute could be referred to the Industrial Court.

The way these issues were handled shows the limits of the LCC and restricting struggles for legal change to bureaucratic methods. First, it had been found in actual practice that there was no criteria on which a Minister could base himself to require an employer to recognise a registered union. It was suggested by the Minister of Labour in 1967 that at least 25% of the workforce should be members of the union before the Minister could exercise his discretion under S.13(3) of the 1965 Trade Union Act and also a time limit for the employer to show cause for his refusal to recognise a union to be fixed (LCC 1967(a)). Secondly on the question of qualifications for eligibility to become a trade union official it was found that the requirement that the officers of a union, except with the Registrars permission, had to be employed in the industry or occupation with which the trade union was directly concerned (S.17(1)) Trade Union Act 1965) deprived the workers of competent persons knowledgeable in trade union matters (*ibid.*). Thirdly, with amalgamation, the requirement of a secret ballot whereby at least 50% of the membership had to support the amalgamation and to exceed by 20% those voting against (S.24(1-2)) to some extent had hampered the government objective of creating big, strong and viable trade unions which aim unions generally supported. In fact even when ULC itself was formed in 1966 it was found that the requirements of the secret ballot were expensive, cumbersome and impracticable and had

"in effect delayed the registration of the Uganda Labour Congress" (LCC 1967(a)). Generally the provisions "hampered the implementation of Government's policy of encouraging the formation of strong and viable unions based on industries and kindred trades" (ibid). It was therefore proposed to amend Regulations 7 and 11 of the Trade Unions Regulations 1965 (S.I. 182/1965) to allow an annual or special delegates conference to decide the issue of amalgamation by 50 percent of the delegates so deciding "since the policies of registered trade unions are formulated and guided by annual and/or special delegates conferences" (LCC 1967(a)). Fourthly, one of the admissions made by the Minister, now agreeing with one of the opposition views as advanced by H. M. Luande and others in the debate on the 1965 Trade Unions Bill was that there was no need for a union to circulate the audited annual accounts to every member because as members were scattered it was costly and also unnecessary as many could not understand the accounts (ibid). This argument was flawed because these accounts could be sent to union branches and shop stewards most of whom understood them and could explain them to the rank and file. This could help advance some discussion on the administration of union affairs rather than using the excuse of general rank and file ignorance to perpetuate non-accountability. Finally, according to the whole LCC threats of strikes were ever present, inter alia, because of the loophole in the law which required consent of both parties before a Minister could refer a dispute to the Industrial Court or an arbitration tribunal (S.1(3)(c)) 1964 Act). It was therefore agreed that a change would be made to stop any party forcing a strike by withholding such consent for the reference of the dispute for arbitration (LCC 1967(a)).

In spite of agreement that amendments in the above areas should be made no amendment of the law was actually made - except on the question of recognition whereby it was stipulated in the 1970 Trade Unions Act (S.18(1)(e)) that 10% union membership in an enterprise was sufficient to entitle a union to recognition which entitlement the Minister could enforce (S.18(3)).

Having been suspended in 1968 the LCC began to meet again in 1970 but the official view was still that it would be consulted by the Minister "only if he deemed it necessary" in case of proposed amendments to labour legislation (LCC 1970). And although it was agreed that consultations of the Council should be made (*ibid*) the enactment of the 1970 Trade Unions Act showed that no account was taken of workers' views in particular (see *infra*, Section 6).

Issues raised in the LCC in 1970 related to workers' organisational rights related to the level of union representation and the reinstatement of the ULC. The question who should belong to and be represented by trade unions has dogged the trade union movement since independence. The position of the public sector was very clear (*supra*, p.134); but in the private sector the legal position was simply that no employer could make it a condition of employment whether an employee should belong to a trade union or not (S.47(1) 1965 Act). Union representatives argued that any employee should belong to and be represented by a union while the employers contended that those employees of the supervisory category should not be represented by the unions (LCC 1970, *supra*). The compromise in 1970 was that the status quo be maintained, namely the 1967 position whereby membership would remain open but as to who would be represented by the union would be subject to union-management

negotiation in each case (*ibid*; cf. LCC 1967, *supra*). The position was to be clarified only in Industrial Court Award No. 3/1986 whereby the level of unionisation was greatly enhanced and reasonably clearly democreated by law (*infra*, Cap. 5:343).⁷⁴³ The second issue, the demand since 1968 (when ULC was suspended) that the LCC should be reinstated was ignored for some time. The Government simply stated on several occasions the principle of the desirability of re-opening it but did little about it (see for instance, LCC 1970, *supra*; RU 1970(a) (H. M. Luande):60-61)). Instead at the end of 1970 the government, by legislation and administrative fiat, simply dissolved all the trade unions and established one union with mere branches (S.1 Trade Unions Act 1970).

In a word LCC tripartism did not advance the organisational rights of the workers and the unions in particular. Reliance on bureaucratic methods of work without any attempt at rank and file organisation or harnessing workers' support in making demands on the government was eventually to lead to the dismemberment and dissolution of independent trade unionism under the Move to the Left Strategy. The government had only paid lip-service to tripartism and ignored it when decisions within the tripartite LCC seemed to be concerned with strengthening the unions.

6. THE MOVE TO THE LEFT STRATEGY AND THE POLITICAL-LEGAL CONTROL OF TRADE UNIONS : 1968-1971

In this final section we analyse the impact of the political strategy of the UPC Obote I regime, called the Move to the Left, on the organisation of trade unions. Our argument is that the policy was an attempt by a nascent bureaucratic (or state) bourgeoisie to

consolidate itself and that law was used to incorporate the trade unions, institutionally, and the leadership in particular to the new state capitalist institutions under the guise of "socialism".

However the incorporationist approach of the 1962-'68 period must be distinguished from that of the 1968-'71 Move to the Left Strategy. Between 1962-1968 the government, first, seemed to favour the ILO-type of tripartism whereby employers, unions and the state co-operated but under the framework of the Industrial Relations Charter and the LCC with bipartisan collective bargaining. In this context strike action though greatly circumscribed was legal and accepted in principle. Secondly the government supported a specific form of political unionism, namely, unionism supportive of the government; thus because support for FUTU against UTUC was not successful, government pressurised the formation of ULC in 1966. Thirdly tripartism seemed to have only remained an abstract policy as the government refused to endorse the Industrial Relations Charter as a signatory and suppressed the LCC between 1964-1967. But between 1968-1971 the strategy of the government changed from basing labour policy and legislation on the requirements of "development" to a "higher" ideology - the construction of "socialism". What the Move to the Left Strategy sought to do was to create a corporate state in which all social classes would be organically integrated within it, namely workers (in unions), peasants (in co-operatives) and the state bureaucracy (civil servants and parastatal officials). This was the aim of both Documents No. 3 and No. 4 (infra:181-'2). Although reference to ILO-type tripartism could still be made in the new structures, the difference with the 1962-1968 period was that the new structures

including the trade unions would not be autonomous from both state and capital. As we show below, the 1970 Trade Unions Act was part of this strategy.

The material basis of the Move to the Left Strategy was that up to 1970 the Ugandan economy was overwhelmingly controlled by western capital. British capital controlled about 80% of the commercial bank deposits while other foreign banks controlled 10% and the Bank of Uganda and Uganda Commercial Bank controlled only 10% (M. Mamdani 1976:256-257). The manufacturing sector was controlled by several foreign companies and local Indian capitalists. The Uganda Development Corporation (UDC) was the main enterprise through which the state held joint ventures with foreign capital and local Indian capital (for details see J. B. Barya 1986:19-52). But still several companies in industry were owned solely by these same capitalists. At independence foreign western capital and non-citizen Asians controlled the commercial banks, insurance companies, import and export houses, construction, mining, wholesale trade, the importation and distribution of petroleum products, major retail shops and much of industry (J. Jorgensen 1977:414). From 1963 to 1970 the UPC government moved marginally to control a very small portion of the economy by establishing parastatals: The National Housing Corporation (1964), Uganda Commercial Bank (1965), Bank of Uganda (1966), The National Trading Corporation (1966), Dairy Industry Corporation (1967), Produce Marketing Board (PMB, 1968), Apolo Hotel Corporation (1968) and the Import-Export Corporation (1970) (*ibid*:403-406). These had only been piecemeal attempts by the government to help Ugandan Africans participate marginally in an economy controlled by western capital. The Move to the Left

Strategy from 1968 onwards was meant to reverse this domination and nationalise "the commanding heights of the economy".

The Move to the Left Strategy was formally embedded in five documents the most important of which was the Common Man's Charter (or Document No. 1) released in 1969. The Charter was adopted so that

for the realisation of the real meaning of independence, the resources of the country, material and human, be exploited for the benefit of all the people of Uganda in accordance with the principles of socialism (A. M. Obote 1969:1).

Stating that it rejected, "both in theory and practice", feudalism, capitalism, vested interests of any kind and foreign influence, the Charter declared:

the guiding economic principle will be that the means of production and distribution must be in the hands of the people as a whole. The fulfilment of this principle may involve nationalisation of the enterprises privately owned (ibid:11).

Accordingly in Document No. 4: The Nakivubo Pronouncements, on May Day 1970, at Nakivubo Stadium, the nationalisation proposals were implemented. With immediate effect the government was taking over 60% of 84 major industries including: all oil companies, some industries, Kilembe mines, banks, plantations, insurance and credit institutions and the Kampala and district bus services (Uganda Argus 2-5-1970).

Nationalisation served two objects. First and most important, for our present purposes, nationalisation as part of the Move the Left Strategy was meant to expand the UPC regime's social base. Although the nationalisation measures did not greatly increase national and state control over the economy and resulted in mere partnership with the Ugandan state as the junior partner (M. Mamdani, supra:267-8) the supporters of UPC would gain "access to

various directorship, nominal in power but substantial in monetary gain, through a programme of "Africanisation" (*ibid*:268). Indeed as one writer has shown the nationalisation strategy was as much a means of increasing the pool of government jobs to be awarded by patronage as a means of expanding state control of the economy. New parastatal corporations created new patronage posts and staffs of pre-existing parastatals mushroomed in size whether or not the parastatal assumed new economic functions (J. Jorgensen 1977:397-399).

Secondly nationalisation itself did not actually serve the cause of socialism, as was being claimed because it was not necessarily antithetical to foreign capital. For international capital this was a time when it was seeking partnership with post-colonial governments to stem the growing economic nationalism and to gain political protection, protective tarriffs and access to local finances by setting up joint ventures with the government. (See generally Y. Ghai, in Y. Ghai (Ed) 1977:27; D. W. Nabudere 1977: 190-1, 246-7). In Uganda itself before the 1970 nationalisations several foreign companies offered participation of up to 50% of their shares or holdings in Uganda (M. Mamdani 1976:267; H. C. Campbell: 263; J. Jorgensen 1977:426). The nationalisation statute, the Companies (Government and Public Bodies Participation) Act (Act 3/1970) declared that 60% shares would be acquired by the government (S.1(1) and Schedule 1 of Act 3/1970) and those shares were actually nationalised by S.I. 70/1970. But by August 1970 several companies were deleted from the schedule of nationalised companies (S.I. 143/1970) to allow negotiations on the extent of government participation¹³. What was being proposed was not socialism¹⁴ as such but a form of state capitalism in a peripheral economy.

Apart from nationalisation the UPC regime sought to monopolise political power and dominate other areas in the economic life of Uganda. In the 1960's it had recruited opposition M.P.'s into its ranks and after 1965 had a two-third majority in parliament (ibid:371). Further it came to control most district and urban councils (ibid). Finally the politicians and the bureaucracy in local and central governments were usually the same people given loans for setting up farms or other businesses¹⁵. The final act of trying to consolidate both economic and political power came when the UPC banned all the political parties under the Penal (Unlawful Societies) (No.2) Order 1969 and prepared to create a one-party state (S.I. 233/1969; see D.W. Nabudere 1980:278-9).

It is in the context of UPC monopolisation of economic and political power under the guise of a "move to the left" that changes in the structure of the trade union movement and the law regulating it should be understood. The trade unions, institutionally were to be incorporated within the new nationalised enterprises, while union leaders could expect to advance into the ranks of the emergent state bourgeoisie. Thus in the Nakivubo Pronouncements (Document No. 4) union participation was revealed:

1. Kampala City Council (KCC) together with the trade unions would acquire 60% of the shares in Kampala and District Buses.
2. Outside Kampala, in the four regions, the District Administrations, urban authorities, co-operative unions and the trade unions would acquire 60% of the shares of the bus companies based in the region.
3. The workers and parastatal bodies would acquire 60% of the shares in every important manufacturing industry and plantation (Uganda Argus 2-5-1970).

This union participation would consolidate the provisions of Document No. 3 (RU 1970(b)) in which the Government declared its intention to create one public service with a uniform salary structure for all government officers, district administrations and urban authorities, the teaching service, parastatals and the co-operatives, the UPC Party itself and even the trade unions (*ibid*:7-8). However the extent of union participation in these enterprises was not clarified; it was still possible to marginalise them in favour of the bureaucracy in parastatals, KCC and district administrations.

Following these documentary declarations and in particular the May Day Pronouncements workers were enthusiastic and the trade union leaders pledged to support the government measures. Union officials declared:

From today the union officials hereby resolve wholeheartedly to abide by the new political culture and economic reforms as outlined in the Common Man's Charter... The new political culture will guide the labour movement (Uganda Argus 5-5-1970).

But the workers' and trade union leaders' enthusiasm was to some extent greatly misplaced because an incorporationist strategy was being worked out by the government whereby organised workers would lose their autonomy. As harbinger of what was to come during the same May Day Pronouncements the fundamental right of workers to collectively withdraw labour was declared an anachronism and was to be abolished. Obote proclaimed:

with the entry of the common man into the fields of ownership and management of the means of production and distribution, I declare to the organised workers, the trade unions that the Trade Unions Act will be appropriately amended to abolish the archaic principle and practice of strikes (Uganda Argus 2-5-1970).

The legal changes that were part and parcel of the Move to the Left had in fact begun in 1968 following the suspension of ULC and were to culminate in the new Trade Unions Act 1970 which was passed in December. In 1968 in order to ensure no organisation within the machinery of the state itself the level of unionisation in the public service was further restricted. Now no permanent public officer could join a union because only "group employees" were now unionisable (S.1(a-b) Act 24/1968, The Public Service (Negotiating Machinery)Act (Amendment) Act 1968). The Act was now also extended to apply to local administration employees (except chiefs, local administration prison service personnel and local administration police force personnel) and urban authority employees of equivalent rank as or whose terms and conditions of service were similar to those of group employees (S.1(d) Act 24/1968). In 1969 the Public Service Act was also amended to make it absolutely clear that "a public officer who is not a group employee within the meaning of the Public Service (Negotiating Machinery) Act shall not be or become a

member of any trade union or association affiliated to a trade union" (S.27 Act 18/1969 Public Service Act).

But while organisational rights of public employees were now removed for the majority, the Commission of Inquiry into ULC affairs (RU 1969: *supra*: 159) provided government with the occasion to destroy the organisational autonomy of the trade union movement as a whole, subject it to political and administrative control and above all exclude it from political power as a workers' organisational medium. The one-man Commission of Inquiry headed by G.L. Binaisa, a former Attorney-General in the UPC Government, was appointed to "inquire into the allegations of the breach of the Constitution of the ULC by the Executive Board, the bad management and financial affairs of the Congress generally" and ULC relations with Government and international organisations (RU 1969: 1). However Union Leaders and non-government circles believed it was set up to help government "muzzle the ULC... pending the Inquiry" (*ibid.* 103). The recommendations of the Inquiry into ULC which amounted to making the trade union movement a government department, though not totally accepted, provided the basis for the 1970 Trade Union Act. The most important recommendations were:

1. that the election of officials of ULC and individual unions be vetted by the Minister of Labour with a final power to appoint vested in the President of Uganda;
2. that power should be given to the Government to act as watchdog over the international activities of any union;
3. that a Civil Service post of Administrative Secretary responsible to the Permanent Secretary of the Ministry of Labour be set up to do the day-to-day administration of ULC;

4. that the powers of the Registrar of Trade Unions be increased plus a right to attend annual meetings as observer;
5. that no trade union official should be a Member of Parliament;
6. that a compulsory check-off system for an employer be adopted if workers in an employment so request and that more penalties be imposed for unions failing to collect or remit subscriptions to ULC;
7. that no trade union official be allowed to earn more than one salary; and
8. that the trade union movement associate itself with national centres in the British Commonwealth such as the British TUC (ibid. 97-104).

In a motion on the above Binaisa Commission, Government policy, partly deriving from these recommendations, was enunciated regarding the planned new trade union law. First there would be "a major alteration in the structural organisation of the trade union movement..." Government would establish "by means of legislation, one centre with the existing trade unions dissolving into branches of one union". This would also mean amalgamation of small unions and, in addition, to advance this process, Government would institute "compulsory check-off in respect of those persons who are members of trade unions" (RU1970(a) (E.Y. Lakidi): 58). Secondly the finances of the new union would be highly centralised and administered with more strict supervision from the Registrar of Trade Unions. Thirdly with regard to international relations, while dialogue would be permitted all affiliation would stop. The Minister explained:

The Government does not consider... that existing affiliations by registered trade unions with international secretariats should continue as this would be prejudicial to this country's foreign policy, particularly in view of the revelation that these international secretariats to which our registered trade unions are affiliated, have entered into an agreement to adopt a general policy and constitution of ICFTU¹⁶... Such association precluded free and cordial relations for the exchange of experience between the Uganda labour movement and... other trade union organisations...such as the WFTU (ibid. 59).

Further according to the Minister the organisational, administrative and financial strengthening of the new union would mean that "those persons who have wanted to maintain foreign control over Uganda workers - because they get money from outside - and deprive them of their independence, will not have room in the new structure" (ibid). Finally the union leadership was to be excluded from parliamentary politics ostensibly to ensure no divided loyalties. The Minister argued that "in order to give dedicated leadership to the movement, any person who aspires to contest a parliamentary election, should, as soon as he is elected, resign from the office he holds in the trade union movement" (ibid.). But the aim was really to ensure an organic separation between trade unionism and politics, while Government control over the movement would be increased. As the Minister concluded:

it will be easier... for the Government to watch closely the activities of this one organisation and to work hand-in-hand in the promotion of workers' interest and success of the economy of this country (ibid. 60).

The Trade Unions Act 1970 (Act 40/1970) closely followed the principles outlined above by the Minister. The main effect of the 1970 Act was to destroy the organisational autonomy of the trade union movement. Though not part of the Party as in Tanzania (I.G.

Shivji 1986: 233-235) or subject to Presidential approval as far as leadership and policy-making were concerned as in Kenya (R. Sandbrook: 41-42) the ULC was to be subjected to more government control than hitherto. Finally the right to strike was abolished.

The Trade Union Act which came into force on 31st December 1970 established a single union, the Uganda Labour Congress (S.1) and dissolved all the autonomous trade unions originally affiliated to ULC (S.2). Only branches of ULC instead of autonomous trade unions could now be formed (S.8-9). To create a very highly centralised structure it was provided that no union branch could be registered unless it was composed of not less than one thousand registered members (S.9(3)). And the definition of a trade union, which was superfluous as there was now only one trade union with mere branches, was amended to mean "any combination whether temporary or permanent, of a thousand or more persons other than an employees' association..." (S.72). The right to organise now extended only to the formation of branches of ULC and not beyond (S.55(1)).

The leadership of ULC or its branches was still restricted to Ugandan citizens (S.10(4)). In fact the government had in October 1970 gone beyond the 1965 mere exclusion of foreigners (mainly Kenyans) from union leadership. On the pretext that it was trying to improve the conditions of work of Ugandan workers the government expelled 33,000 Kenyan workers from Uganda (Uganda Argus 6.10.1970; J. Jorgensen 1981: 286).

To exclude union leaders from political leadership it was now provided that "no person shall hold office in the ULC or in a registered branch union if he is a member of the National Assembly" (S.22(5)). This section appears to have been aimed at the

independent minded former UTUC leaders who had refused to become part of the party or government machinery. Government seems to have opted for control of the Trade Unions through the Ministry of Labour (Registrar and Labour Minister) and economic incorporation in the nationalised companies or parastatals but could not risk direct political representation of workers least organised opposition developed. While trade unions could participate in economic institutions they would not be allowed to participate in political power.

Having ensured that the ULC would be under government supervision and direction government made provision in the new law to ensure union recognition by employers where at least 10% of employers in a given enterprise were members of the ULC union branch (S.18(1)(e), see supra: p. 175). The finances of ULC were also to be improved by expanding the sources to include: subscriptions, investments, donations and check-off contributions from members. But all funds would be kept by the ULC Treasurer and no branch could keep or invest funds without ULC approval (S.40(2)). Here the aim was to strengthen the institution of ULC and to guarantee its ability to co-operate with government once membership and finances were stabilised. But unlike during the FUTU-UTUC days foreign donations and gifts could only be received after government approval. S.42(3) provided that

the ULC or its branch union shall not enter into any agreement for aid of any nature with any foreign country or organisation without consultation with and approval of the Minister.

And to enhance government control over the expenditure of union funds the Registrar of Trade Unions was now empowered "to inspect the books of account... at any time he may think fit" (S.45(3)).

Finally the prohibition of strikes promised by President Obote on May Day 1970 was made into law now. While peaceful picketing was maintained as a right (S.57(1)(a)), such picketing was prohibited if done in such a way as, inter alia, "to cause complete cessation of work" (S.52(1)). And no picketing was allowed at or near government premises (S.52(2)). However although these provisions were intended to prevent strikes the Trade Disputes Act of 1964 had not yet been amended to close those options whereby theoretically strikes could take place (see pp. 123-124). The law was not to be thoroughly re-examined in this respect in any case because in January 1971 Amin led a coup d'etat against the UPC-Obote regime and reversed most of the Move to the Left innovations and aspects of the new Trade Union Act.

In the short term it operated (1970-1971) the Move to the Left strategy and its innovations did not, in practice, involve ordinary workers and their leaders. Instead the UPC seems to have focused its attention on negotiations with multinationals and the role of the state bureaucracy in the "new socialist culture" (See IPA: 1970). By August 1970 trade union leaders were complaining that in spite of the Move to the Left innovations "not enough has been done in the way of educating the workers and trade union leaders as to what role their movement is expected to play in order to achieve the... goals envisaged in the said proposals"¹⁷. H.M. Luande also pointed out that although directors to the nationalised companies had been appointed no worker or trade union leader had been. And against the law proposed to abolish strikes he argued that this would not stop strikes because "the workers themselves are not involved at all" in the economic arrangements (RU 1970(c): 165-166). Similarly at an LCC meeting

workers' representatives made a request to the effect that the Ministry of Labour, in conjunction with the Milton Obote Foundation, should organise a seminar, the purpose of which would be to educate workers on the role they would have to play in our changing economy and to explain to them what the five documents are all about (LCC: 1970(a)).

These demands by workers showed that the Move to the Left had little to do with "the principles of socialism" as claimed by the Charter. The Charter itself had been conceived by Obote for "the masses" without the latter's input or participation¹⁸. This was socialism from above, a contradiction in terms.

Finally, although no legal provision was made to make the ULC part of the only party the UPC or of government, administratively the government was gearing itself to directly influence ULC administration. In fact only five days before Amin's 25th January 1971 coup the Minister of Labour announced the provisional formation of 14 branches of the ULC though he had no legal powers under the new Act to do this (Uganda Argus 21.1.1971). Branch formation was legally entirely in the hands of the workers (S.9 Trade Union Act 1970).

This formation of ULC branches and the dissolution of autonomous trade unions earlier by the new Act marked the end of the trade union struggle for organisational autonomy in the first decade of independence. The state had achieved through legislation and administrative fiat temporary subjugation of the trade union movement. We say temporary because both the Move to the Left strategy and the fundamental philosophy and structure of the ULC were reversed by the Amin regime from 1971 onwards.

CONCLUSION

The origin of the post-colonial legislation enacted by the Obote I regime between 1963-1965 was in the radical and political left-wing unionism expressed in the UFL and UPC-YL alliance under the leadership of the first UPC Secretary General, J. Kakonge. The strike wave between 1961-1964 was the immediate impetus for the enactment of legislation restrictive of union rights and the right to strike in particular. These strikes also provided the occasion for the UPC government to articulate its developmentalist ideology as the justification for the restrictive industrial relations legislation enacted to replace the more liberal and voluntarist colonial legislation. This restrictive legislation premised on the ideology of development provided the labour policy framework between 1962-1968. In this period state control of the trade union movement was attempted through the creation of a pro-government union Centre, FUTU in 1964 to counter the autonomous UTUC. However FUTU itself came to be a tool of the right-wing faction of UPC and thus failed to serve the interests of UPC in general. For this reason trade union "unity" was now advocated by the UPC which led to the formation of ULC in 1966.

But the change in strategy by government to advocate trade union unity also served a wider strategy of the Move to the Left which, between 1968-1971, was an attempt by the UPC to widen its social base under a populist "socialist" programme. The ideological justification of policy changes also shifted from mere development to the building of an egalitarian socialist society. But the laws regulating trade union organisation enacted in 1968 for the civil service and 1970 for the trade union movement generally

were aimed at co-opting trade unions and trade union leaders into the state economic institutions (the mushrooming parastatals and joint venture companies) while at the same time excluding them from political participation. Law here was an instrument of the nascent state bourgeoisie. Besides, the tripartite LCC became another way of legitimising legislation which consistently failed to take into account or simply ignored union views and even decisions unanimously reached.

Although the 1965 re-registration process and the rationalisation of the trade unions created sizeable and financially viable unions at least as compared with the pre-1965 and colonial situations this viability only remained at the institutional level. Both the central union ULC and its affiliates failed to nurture democratic processes in accordance with their constitutions and the 1965 Act. Although there were structural reasons for this the most important causes lay in the union leadership's concentration on power struggle and the government's primary concern with harnessing the union movement.

The trade disputes legislation to some extent helped reduce disputes and strikes in particular. However this was only possible due to improvements in workers' conditions of service engendered by trade union struggles, minimum wage provisions, the policy of the Africanisation and Industrial Court arbitration which for the most part gave awards beyond the wage limits set by the Second Five Year Development Plan. In other words legislation could not resolve the contradictory objects of both industrial peace and capital accumulation for "economic development". But in spite of the improvements the working class as a whole did not attain a

privileged position vis-a-vis the rest of society. On the contrary only a tiny minority (about 10% of all wage-earners) could be said to have consisted of either a labour aristocracy or an emerging state bourgeoisie. Thus objectively the developmentalist ideology on which the legislation of 1963-1965 and the socialist ideology on which the 1968-1970 legislation were based had the consequence of protecting the emerging local dominant class, the state bourgeoisie at the expense of the majority of the workers, peasants and the unemployed.

In general the first decade of independence in Uganda shows, that the law regulating the organisation of workers was constructed in a dialectical way through the struggle between the working class on the one hand and the state and capital on the other. This was the case between 1962-1965. The main characteristics of the law here were instrumental and political. Instrumentally law was used to achieve state objectives while politically it embedded the emasculation of aspects of workers rights available during the colonial period. Legal ideology was not in itself important in the period 1962-1968 because the state did not argue so much that its labour policy and legislation should be followed due to the legitimacy of law but invoked what it considered the higher justification - the ideology of development. Although the 1963-1965 legislation reflected state/capital dominance over the small working class, institutionally the law created a basis for the development of strong unions; but this was not realised because both state and union leadership had little interest in the democratic aspects of the law. Further, continued rank and file industrial action against the law showed a contradiction between the restriction of rights and

workers' incomes on the one hand and the desire for industrial peace and capital accumulation for development on the other.

The more systematic strategy of the Move to the Left would have integrated the trade unions and their leadership in particular to a corporatist state that sought to dissolve all autonomous organisations - economic and political. For trade unions, the 1970 Trade Unions Act was the main instrument for this purpose. However more administrative and political methods of incorporating trade unions into the state were necessary to achieve government objectives and were being put into place by the time of the 1971 coup. Law therefore only provided an institutional framework while political and administrative innovations would help actually concretise government objectives.

NOTES - CHAPTER III

1. See *infra*: pp.22-25 on the relevant ILO Conventions No. 87 and 98 see: G. Von Potobsky 1972; A. Gladstone and M. Ozaki 1975; J-M Servais 1977; 1984; on the question of freedom of association and union/workers rights and their relationship to develop, see, G. Caire.
2. UG1965: 1769; it may be noted here that I.C.C. 3/1986 was later able to determine this question in spite of the Minister's claim here, see Cap V:p.343.
3. Freedom to establish and join unions without state authorisation, right to draw up constitutions, programmes and to administer the union freely and freedom from dissolution or suspension by administrative authority - Articles 2-4..
4. H.M. Luande/UTUC to the Director-General of the ILO 19-7-1965, M.L: ILO Conventions.
5. FUTU: Press Release 4-11-1964: 1-2, UPEU:FUTU FILE (1964-1965)
6. FUTU: Press Statement 9-10-1964, *ibid*.
7. *ibid*.
8. E.R. Kikuba, G.S, FUTU to Minister of Housing and Labour, 5-11-1964, UPEU: FUTU FILE (1964-1965).
9. E.R. Kibuka to Minister of Housing and Labour 7-11-1964, *ibid*.
10. E.R. Kibuka to S.G. AATUF 15-8-1965, *ibid*.
11. For an account of this "1966 crisis" see D.W. Nabudere 1980: 260-262.
12. See E.J.B. Mpyisi P.S./L.C. to ULC Caretaker Committee in RU 1969: 70-71.
13. For a detailed account of the process whereby most multinational companies resisted the 60-40% formula and came to the 50-50% one, see J.B. Barya 1986: 59-62.
14. In our view socialism would have involved at least the following:
 - 1) control of the means of production by the producers, namely workers and peasants; but in the new structures they were being marginalised;
 - 2) democratic and popular organs would be set up at all levels of society and for all social groups/forces for a continuous control from below over their representatives and law-making;
 - 3) no dependency on foreign capital or a policy of inter-dependence.
15. For instance in one scheme, financed by USAID the Ankole Ranching Scheme, the political careerists, the bureaucracy and religious leaders dominated, namely: Ministers, parliamentarians, the Ankole king, ex-Ministers of the Ankole Kingdom, saza chiefs, Judges, Veterinary Officers, religious Ministers, rich farmers, an army officer and some "influential Ankole citizens", H.C.G. Campbell: 279-281.

16. This is a reference to the 1951 Milan Agreement, see J.P.W. Windmuller 1987: 80-82.
17. E.R. Kibuka, R.N. Imanywoha, J.B. Kasiisiri (of different unions) . statement: U.P.E.U: LCC Adm 7/1, 12.8.1970.
18. On the non-participation of the people, including workers and trade unions, in the conception and implementation of the Charter and the whole Move to the Left concept, see T. Aasland: 1974.

**CHAPTER IV: THE PERSISTENCE OF TRADE UNION ORGANISATION
UNDER STATE REPRESSION 1971-1979**

INTRODUCTION

The overthrow of the Obote I regime by the army in a coup led by Idi Amin in January 1971 engendered important changes in industrial relations in Uganda and the organisation of trade unions in particular. In this chapter we examine and explain the impact of the legal changes that took place during the period of the Amin dictatorship 1971-1979.

The chapter is divided into four sections. Section 1 deals with the *re-emergence of trade union autonomy and the liberalisation of industrial relations legislation between 1971-1974*. We argue here that the Amin coup provided space for trade unions to regain their organisational autonomy. This was so mainly because the Amin regime sought to create a wide social base and thus initially had room for workers' demands and the expression of their grievances. Between 1971-1973 trade union struggles and demands for autonomous organisation and their protest against the 1970 Trade Unions Act found sympathy with the civilian Ministers of Labour who ideologically believed in autonomous trade unionism. It was this coincidence of ideological belief in independent working class organisation in the context of a regime that was seeking popular support that was responsible for the liberalisation of trade union legislation between 1971-1973. The amendments to the Trade Disputes Act 1964 made in 1964 on the other hand were mainly a result of workers' struggles and strike activity in particular, between 1971-1973. They were meant to streamline the legal dispute settlement

process by creating more specific and quicker procedures, making the Industrial Court more independent and making awards enforceable against recalcitrant employers.

Section 2 assesses the practical application of the new industrial relations legislation. This practical application however must be seen against the background of a new trade union structure created in 1973-4. In 1973 the National Organisation of Trade Unions (NOTU) was created and was later launched in 1974 with 16 unions affiliated to it. The trade union structure created at this time provided a strong institutional basis for Uganda's trade union movement and this structure has continued even after Amin. It was also created in the same context as the 1971-74 legislation when the Amin regime still sought legitimacy from civil society (e.g. trade unions) and was so encouraged in labour matters by the civilian Ministers of Labour. However in practice the actual importance of the new trade unions though potentially more viable and the role of the more liberal trade union and trades disputes legislation came to depend upon the character of the state and the employers.

Thus we contend in this section that the liberal trade union and trades disputes legislation was not applied during Amin's era especially in the period 1973-1979 for two main reasons. One: as a result of the so-called Economic War (1972-1973) during which Asians were expelled and the subsequent diplomatic - economic embargo from the West, Uganda's industrial base almost collapsed. This contributed both to the weakening of trade unions (especially through loss of membership) and the repressive industrial relations regime that employers and the state maintained. Second: the

government's lack of legitimacy led to the adoption of repressive practices to ensure that there was no political opposition to it amongst the workers generally and trade unions in particular. Thus although the Industrial Court always upheld the rights of trade unions to exist and represent their membership, in practice the new employers (mafuta-mingi) who took over the Asians' expropriated properties (both soldiers and civilians) generally ignored such awards, provisions of collective agreements and the law in general. This was more generally expressed in the militarisation of industrial relations whereby managers and employers resorted to police and military force to resolve industrial conflict or simply to suppress any workers' dissent.

Further we argue that trade unions were weakened not simply because of the collapse of the industrial base following the 1972-73 Economic War but also because of the Presidential ban on collective bargaining between 1974-1976. This hastened the deterioration of workers' terms and conditions of service and further undermined trade unionism. In the end, working class gains of the 1960s were eroded in the 1970s and even the small labour aristocracy that existed was eradicated.

Finally in this section we show that under Amin there was a diminution of the role of the legal dispute settlement procedures as well as a diminution of strike action. This was so because the dispute settlement machinery and strikes came to be seen by workers as ineffective and dangerous respectively due to blatant state repression. But because the institutionalisation of dispute settlement procedures was predicated upon the need for industrial peace for economic development the diminution of orderly collective

bargaining, the role of trade unions generally and that of the dispute settlement institutions and procedures may also be seen as part and parcel of the government's abandonment of the ideology of development and its concern with mere survival. Indeed by 1977 the Amin regime accepted that industrial production had collapsed and having abandoned the ideology of development instituted a programme of "rehabilitation". Thus in Uganda developmentalism as an ideology collapsed in the mid-1970s and has since not provided a legitimating function with regard to laws restrictive of union rights and dispute settlement procedures that considerably circumscribe strike action.

In Section 3 we argue that although tripartism and a consensual view of industrial relations were first encouraged by the Obote I regime (1962-1971) it was during the Amin period that tripartism as advocated by the ILO came to be more systematically internalised by the trade union movement. This was for two main reasons: first, the Amin regime used the expulsion of the Asians to claim that Uganda was now economically independent, in control of its own economy and that consequently all classes and social groups should work co-operatively and not antagonistically. Secondly, because the Amin regime excluded western trade unions from operating in Uganda the ILO became the major source of trade union education. So while in the 1960s Ugandan unions were basically grooved in the Cold War disputes and were generally in disarray between 1968-1971 after the closure of ULC and the ICFTU African Labour College in 1968, in the 1970s ILO ideas in particular tripartism and a technocratic and careerist conception of trade unionism were generally unchallenged. Such conception of trade unionism today may thus be traced more specifically to this period.

Finally in Section 4 we argue that effective amendment to the law was restricted to the 1971-1974 period when the Amin regime was still open and seeking a wide social base. After 1974 the regime did not bother to consider union demands for several amendments to the labour laws through the LCC forum. This was because the regime now had little concern for legal legitimization of its industrial relations practice and arbitrariness in employer-union relations and state intervention in these relations predominated.

1. THE RE-EMERGENCE OF TRADE UNION AUTONOMY AND THE LIBERALISATION

OF INDUSTRIAL RELATIONS LEGISLATION: 1971-1973/4

(a) TRADE UNION AUTONOMY AND THE LIBERALISATION OF TRADE UNION LEGISLATION: 1971-1973

The year 1971 was supposed to be the beginning of the implementation of the Move to the Left strategy in which the trade unions were to be incorporated in the structure of the growing state bureaucracy under UPC hegemony. The removal of the Obote I regime halted this process and provided an opening for the trade union movement to demand changes in the 1970 Trade Unions Act which had altered the trade union structure and greatly undermined trade union autonomy from party and state. Although the trade union leadership could have gained from incorporation into the new economic institutions they would still have preferred to retain the unions' organisational autonomy. Thus trade unionists were among the first elements of Ugandan society to welcome the Amin coup. Their main expectation from the coup was a guarantee of freedom of association.

For example one of the General Secretaries happily observed that "the common man has been saved from a corrupt Government and... a

"corrupt man" (*Uganda Argus* 30.1.1971). But he then indicated that he expected all-round freedom of association, supported Amin's steps to reinstate political parties and was glad that "Major General Idi Amin Dada does not believe in a one-party system" (*ibid*). Other union leaders echoed similar sentiments. And when AATUF urged trade unions in the world not to recognise the Amin government Uganda's trade union leaders met to dissociate themselves from that call (*Uganda Argus* 19.2.71). The celebration at a get-together party of UGIL (Uganda Garments Industries Limited) workers encapsulated the mood of the time. Amin was described as "the saviour of Uganda" and the workers later declared:

our celebration today has a dual purpose, one for (the) reinstatement of our freedom of speech and association, denied us... during the last eight years. The other is the end of despotic rule of Obote and his colleagues (*Uganda Argus* 22.3.1971).

It was in this euphoric atmosphere that the trade union leaders called upon the new government to reverse the dissolution of autonomous trade unions and the centralisation brought about by the 1970 Act. In response to this a temporary measure was adopted¹. This was the Trade Unions Act (Amendment) Decree (No. 10/971) which was effective from 1st March 1971 (S.2). This Decree provided that

"...all trade unions registered under the Trade Unions Act 1965 shall continue as separate trade unions until such time as the Minister, shall, by notice published in the Gazette, dissolve them" (S.1(a)).

This then was only a holding mechanism and at this time the philosophy of one trade union structure of the 1970 Act was not tampered with. In fact in the aftermath of the coup Ministry of Labour officialdom still faithfully followed the spirit of the 1970 Act. According to the Acting Labour Commissioner, Decree 10 of 1971

"was issued to amend the relevant section of the 1970 Act to enable existing unions to operate legally 'but the rest of the Act is effective'" (Uganda Argus 3.4.1971). Unions were supposed to await ministerial directions to the single ULC (*ibid*).

It is contended here therefore that the eventual restoration of trade union autonomy under Decree 29 of 1973 was a result of the struggle of the Trade union movement on the one hand and the support of the liberal civilian Ministers of Labour at a time when the Amin regime was seeking a broad and reliable social base. The coincidence of ideological belief in union autonomy held by most trade union leaders and the civilian Ministers of Labour ensured that the reversal of the 1970 Act was put on the agenda quite early. Thus in 1971 an emergency LCC meeting was called at the Minister's request because

... in view of the recent change of Government it was the Minister of Labour's pledge to re-examine and review the industrial relations policy and the law relating thereto, and to provide for the safeguarding of the free and voluntary character of the trade union movement (LCC: 1971).

Apart from the calls of the trade unionists for the revival of autonomous trade unions and a liberalisation of the restrictive provisions of the Trade Unions and Trade Disputes Acts, the state was also interested in the formation of a few but viable trade unions which would discipline workers and minimise strikes. The question of strikes was very urgent because in the wake of the coup rank and file workers had decided to ignore more openly the official and constitutional dispute settlement machinery. To the workers the coup provided an opening for them to express their grievances. To most of them the niceties of the law were an irrelevance. Between

1971-1974 strikes escalated though fewer workers were involved in 1973 and 1974 (infra:212-'3). To some extent too concern with curbing strikes united trade union leaders and the state in instituting the new liberal legal provisions and streamlining and further strengthening the various trade unions.

Right from 1971 H.M. Luande, representing the trade unions and supporting the Amin coup, had stated that "the Military Government has made it possible for Uganda's organised labour to resume some of the principles - which should guide trade union leaders and rank and file members - of free trade unionism..." (Uganda Argus 1.5.1971). Subsequently several meetings were held by the union leaders to co-ordinate their demands for amendments to the laws affecting workers (Uganda Argus 11.4.1972). To the unionists the re-establishment of a central union, the ULC, was central to the changes they demanded. For instance six General Secretaries, responding to President Amin's call to the workers to end illegal and "irresponsible" strikes argued that in order to end "this alarming (strike) situation, endeavours should be made to reconstitute the ULC which will co-ordinate the activities of the workers and advise them" (Uganda Argus 13.3.1971). The unions further pursued this line in the LCC where it was eventually unanimously agreed that "the Uganda Labour Congress should be established as soon as possible as this would check on illegal strikes" (LCC: 1971, supra: 7). To co-ordinate their demands and activities the union leadership organised themselves in the All Uganda Trade Unions Steering Committee (AUTUSC) led by L.K. Senkezi, Secretary General of NUCCTE and later by R.W.T. Wetosi of the Makerere Employees Union².

The concept of an autonomous trade union movement was also shared by the new Labour Minister who pointed out that "the philosophy behind the Trade Unions Act 1970 was the establishment of one trade union only". In his view "this philosophy did not appear to be in conformity with democratic trade unionism and would appear to be unconstitutional" (LCC: 1972:3). The LCC, following the Minister's request for recommendations, also decided unanimously that "the workers of Uganda should be permitted and assisted to organise themselves into a number of trade unions of their choice" (*ibid*).

This view however was not unanimous. There was a struggle within Amin's Cabinet regarding the very existence and rights of trade unions. Since there was no parliament under Idi Amin the Cabinet was the highest decision-making body. In the Cabinet two views were counterposed: the autocratic view and the liberal one pursued by the Ministry of Labour itself. The autocratic view was that a free trade union movement and strike action in particular would threaten the developing economy of Uganda and even the government as in some other countries. It was therefore "inadvisable to have trade unions in the country" and as such unions could "either be left to operate as a different type of organisation or banned completely" (Ministry of Justice 1973:5). The liberal view which to a great extent triumphed was that Uganda was part of the international community which had accepted the operation of trade unions and "could not afford to ban them". First, it was contended in support of this view that for practical purposes, with the emergence of new employers after the Economic War, workers should be protected from likely exploitation by these new employers. Secondly

from other countries' experience "the banning of trade unions...had not prevented strikes". Thirdly, trade unions were not necessarily a security or economic risk but in fact "served a very useful purpose through which the workers could ventilate their grievances" and that through the trade unions, "it was easier for the Government to deal with workers' grievances rather than negotiate with them as a mob". Therefore what should be done to accommodate them was "to modify the machinery for their operation to enable Government to control them effectively". It was then pointed out in this connection that "that was precisely what the amendment Decree was intended to achieve" (*ibid*).

In spite of objections by a section of the Cabinet and by employers to some extent (LCC 1971) the liberal Trade Union Act (Amendment) Decree (No. 29/1973) was eventually enacted. The Decree was liberal because it reinstated the existence and autonomy of trade unions on a permanent basis and generally enhanced trade unions' freedom of association. Further it reinstated the principle of voluntary industrial relations based on collective bargaining between autonomous unions and employers, albeit overseen by the state. The Decree was published on 8th December 1973. Its main object was "to amend the Trade Unions Act 1970, to re-establish the freedom of employees to form autonomous trade unions and for other matters connected therewith" (Decree 29/1973, Longlittle). S.1(b) replacing S.1 of the 1970 Act established the National Organisation of Trade Unions (NOTU) as the only central trade union in Uganda to which all registered trade unions had to affiliate. The dissolution of autonomous unions by the 1970 Act was therefore reversed.

The legal re-establishment of autonomous trade unions with one national Centre fulfilled the aspirations and demands of the

organised workers which were accepted by the Ministry of Labour and eventually by the Amin cabinet. This change reversed the central principle of the 1970 Act which aimed at creating one monolithic organisation amenable to political-administrative control. The other amendments extended the trade unions' freedom of association. Three of the amendments were particularly important because they concerned union financial strength and aspects of freedom of association.

First the question of the source and administration of union funds was resolved in such a way as to give unions more say with less state intervention. While the Ministry of Labour and the unions argued for compulsory check-off for every unionisable employee the employers could only accept compulsory check-off only for members (LCC 1971, Supra: 5). This issue was not specifically resolved until 1974 when the Trade Unions (Check-off) Regulations (S.I 71/1974) were made. The check-off system was to apply only where a union member of a recognised union in any workplace gave written consent that his monthly union subscription be automatically deducted by the employer and be paid to the union (*ibid*, Regulation 1(1)). This provision was consistent with the concept of freedom of association and also provided a basis for union financial viability. With regard to foreign finances and donations both NOTU and its affiliates were obliged "not to enter into any agreement for foreign aid of any nature with any foreign country or organisation without consultation with, and approval of, the Minister" (S.I(w) Decree 29/1973). This was meant to ensure that foreign aid was directed only to legitimate trade union purposes. What was more important with respect to funds is that local gifts and donations were left to

the unions themselves to decide upon unlike under S.42(1) & (2) of the 1970 Act where the branch unions could not. Some autonomy in financial matters was therefore also envisaged for the affiliates of NOTU unlike under the structure of the 1970 Act where only national officials of ULC could decide.

Secondly a provision was made to ensure that employers complied with the provisions on freedom of association. To ensure that no anti-union practices or discrimination against union members were engaged in by employers the Registrar was empowered to investigate the affairs of any employer and could in this connection "call on the employer to produce for his inspection all or any of the books or documents of the employer or to furnish in writing such information or explanation as the Registrar may require" (S.1(z) Decree 29/1973). Although this was dependent upon the discretion of a state official - the Registrar - it was an advance as it provided some specific means of checking recalcitrant employers.

Thirdly, there was unanimous agreement in the LCC without much discussion that S.22(5) of the 1970 Act which prohibited a Member of Parliament from becoming a union official be repealed. Although the Labour Ministry first argued that there would not be sufficient time for both duties and that "such a trade union official would tend to mix his political responsibilities with those of trade unions", the trade unionists' counter-arguments were eventually accepted (LCC 1971:2). In the relatively free atmosphere of the first months of the Amir regime they argued that countries like Kenya and Britain allowed full-time unionists also to become M.P's and no confusion or neglect of responsibilities had occurred. Instead, they argued, "trade unionists in Parliament...would contribute effectively in

debates on matters affecting labour policy and legislation" (*ibid*). So the right of trade union leaders to engage in parliamentary politics was restored by the deletion of S.22(5)(S.1(n)(ii) Decree 29/1973).

Apart from these positively liberal amendments Decree 29 of 1973 contained provisions meant to strengthen the union constituency but enhancing democratic unionism at the same time. Besides, though no legal provision was made to that effect in terms of foreign affiliation Pan-African trade unionism and positive non-alignment were strongly encouraged. However firm state overview was to be maintained.

The most hotly debated issue regarding the unions' constituency was the scope of the right to belong to a trade union and the level of union membership above which any employer would be obliged to recognise a union. The 1967 general position that every employee was free to belong to a trade union with the union and employer free to agree on who would be represented by the union was maintained. But as the question of recognition, particularly the percentage level of union membership entitling a union automatic recognition, could not be agreed in the LCC it was left to the Minister to determine (LCC 1971 *supra*: 6). Subsequently the 1973 Cabinet meeting also extensively debated this issue and agreed that the 10% which S.18(1)(e) of the 1970 Act provided as the minimum level of union membership at which recognition was obligatory was too low. Decisions reached by such a minority, the Cabinet argued, could be detrimental to the economy or security of the country and that "leaving the percentage at only 10% to recognise a union, would be putting the country at the mercy of a few union "hot heads""

(Ministry of Justice 1973 *supra*: 6). Although the view was preferred that union membership was difficult to organise and a high percentage should not be required as this "would be tantamount to a virtual ban of trade unions in the country" it was rejected on the ground that "since trade unions were formed to cater for the interests of workers, it would be surprising if the 51% membership could not be reached easily. Such a situation... would only be indicative of their lack of interest to join the unions, in which case there was no cause to force them to" (*ibid.*). Thus S.18(1)(e) of the 1970 Act was amended to increase to 51% the level of union membership at which any employer could be obliged to recognise a union (S.1(m) 1973 Decree). What this meant was that whereas voluntary recognition could be accorded a union whose membership at any enterprise was below 51% of the unionisable workforce, compulsory recognition could be enforced only where the majority of workers were members.

As for foreign affiliation the Government position was to encourage relations with other trade unions in Africa. This was in conformity with OAU policy then aimed at achieving an all-Africa trade union unity in one Confederation (W. Ananaba 1979: 135). The main idea behind this policy was to strengthen the independence of African trade unions. Thus in 1972 the Labour Commissioner observed that if the envisaged All-African Trade Union unity was eventually achieved national unions would automatically affiliate to it (LCC 1972. *supra*, Minute 11/72). Indeed the Organisation of African Trade Union Unity (OATUU) was inaugurated in 1973 and when NOTU was formed in 1974 it affiliated to it (NOTU 1984(a): 35). And at the time the OATUU Charter prohibited its affiliates from having

any other affiliation (ART. 8 OATUU Charter). Although this provision appeared to infringe the principle of freedom of association, in the context of the reality of Cold War trade unionism, it was a positive attempt by African governments and unionists to maintain the position of positive neutrality and non-alignment.

Finally both unions and employers had demanded in the LCC that the Minister's supervisory powers especially the right to call for information on any trade union matter (S.16 1970 Act) be removed or transferred to the Registrar. Their argument, especially the unions, was that this would lead to political control or interference (LCC 1971, op. cit: 2). Eventually however it was agreed that *ministerial supervisory powers be retained* "in view of the past experience and constant confusion in the labour movement". So it was accepted "that the Government must have some measure of control over the activities of the ULC and its affiliates" (*ibid*). Thus although a number of liberalising provisions had been enacted by Decree 29 of 1973 clear state overview was maintained in the hands of the Registrar of Trade Unions and to some extent, the Labour Minister.

The amendments of Decree 29 of 1973 were in fact only one aspect of the industrial relations legal framework created under the Amin regime. The Trade Disputes (Arbitration and Settlement) Act (Amendment) Decree (No. 18/1974) was the other. It is to this Decree that we now turn.

(b) AMENDMENT OF THE TRADE DISPUTES ACT 1964: THE ROLE OF THE
1971-1973 STRIKES

We have seen above how demands of the trade unionists and the stand of the liberal Ministers of Labour helped bring about the liberal and voluntarist Decree 29 of 1973. The amendment of the Trade Disputes (Arbitration and Settlement) Act 1964 on the other hand was more directly a response to rank and file workers' strike action between 1971-1974. What is important is that the strikes revealed a unity of purpose between union leaders and government, namely, that amendments to the 1964 Act should be made to make dispute settlement fast and efficient and thus minimise strikes. The effect nonetheless was a further liberalisation of the industrial relations legal framework.

From 1971 immediately after the coup several workers in different sectors began going on strike. Although the level of strikes between 1971-1974 is comparable to that between 1966-1970 what is clear is that more workers were now involved in the strikes and more man-days were lost as a result (Cf. Cap III, P.111). Table VII below illustrates this change. Although most of the workers' demands between 1971-1974 concerned wage increases, late wage payments and implementation of other contractual benefits, demands for union recognition, the removal of oppressive and racist management and against discrimination were also prominent (ARML 1973: 79, 26-27; 1974: 59-62). For instance hardly a month after

TABLE VII: STRIKES IN UGANDA 1971-1978

Year	No. of Strikes	No. of Workers Involved	Man-days Lost
1971	44	23,245	55,162
1972	64	23,301	56,896
1973	46	8,300	20,941
1974	41	3,962	48,805
1975	-	-	-
1976	-	-	-
1977	5	1,784	2,682
1978	7	6,497	18,647

Sources: ARML: 1973-1974; 1977-1978; ILO 1977: 843

the coup the Apolo Hotel workers came out on strike against dismissals and racism in the management of the hotel (Uganda Argus 20.2.1971). Soon the textile workers of Uganda Rayon and Textile factory at Kawempe (Uganda Argus 8.3.1971) and of Uganda Blanket Manufacturers (Uganda Argus 9.3.1971) were out on separate strikes. The workers at the branch levels refused to follow the grievance procedure agreements, demanding improvements in terms and conditions of service and the removal of some management staff who were discriminating against workers for making some political statements in the wake of the coup (*ibid.*). It seems that they hoped to take advantage of the honeymoon of a new regime because strikes were highly visible compared to negotiations under the legal grievance procedures.

At this time the state responded with both threats of repression and attempts to negotiate. President Amin himself came out to argue that although his government's policy was to encourage

good industrial relations and to ensure that workers receive "maximum economic and social benefits for their labour" government would not tolerate or condone "any illegal strike" (Uganda Argus 12.3.1971). He even claimed that one of the strikes had been engineered by Obote's intelligence organisation, the defunct General Service Department. The Uganda Armed Forces would "deal severely with those elements" in the same way they had crushed Obote's plots and overthrown him (*ibid.*). Finally if strikers did not return to work their jobs would be given to the unemployed (*ibid.*).

But the strike which very clearly exposed the deficiency of the dispute settlement process was that of Kampala City Council (KCC) workers. In September 1971 KCC workers went on strike and demanded to discuss their grievances only with President Amin. They ignored the Minister of Labour's appeals to stop the unlawful strike and resume their duties "pending discussions with their representatives" (Uganda Argus 18.9.1971). Threats by the Acting President Apolo Kironde that the strikers would be dismissed if they failed to return to work were also defied. Workers demanded wage increases and improvements in other terms of service. They complained about the employment of non-citizens when Ugandans were available, promotion through bribery, corruption, tribalism and unfair wage structures. They also charged that "most of the houses meant for the lowly paid workers in the City Council had been given to the girl-friends of some big men in the City Council" (Uganda Argus 20.9.1971). They returned to work only after the appointment of a Commission of Inquiry into the alleged malpractices of some senior KCC officers and the suspension of the Assistant City Engineer (Uganda Argus 20/21.9.1971) and after a meeting with President Idi Amin (*ibid.* 22.9.1971).

During 1971 in fact Commissions of Inquiry appointed by the President became a method of soothing militant workers (see also Uganda Argus 16-10-1971 with respect to cement and fertilizer factory workers in Tororo). What is instructive in this is that it further undermined the credibility of the then existing dispute settlement machinery under the 1964 Act. It was indirect government recognition that the law and its winding procedures was not conducive to dispute settlement but only frustrated workers who bypassed their union leaders and went on wild-cat strikes. Yet the union leaders though concerned about the inefficiency of the law insisted that workers should follow it. Following a violent strike at Lugazi Sugar plantations, where over 100 acres of sugar were set on fire by the 7000 workers with a loss of shs. 1.5 million and 1000 metric tons of sugar, the NUPAW General Secretary, R. Imanywoha condemned the strike as unofficial. He stated that he was alarmed by the strike which he claimed "was instigated by a few of the management staff using their official positions (to drag) in the innocent workers on strike unaware of their motives" (Uganda Argus 6-11-1971). Regarding the KCC strike the UPEU leader E. R. Kibuka stated very clearly:

The union wishes to condemn in the strongest terms all those evildoers who are trying to damage the good name of this country and indeed our Government of the second Republic of Uganda whose politics are well known to every citizen... and whose policies are being implemented (Uganda Argus 18-9-1971).

The trade union leaders as a group had also issued a general statement supporting President Amin's call against strikes. They argued that

as responsible trade union leaders they... cannot condone acts whereby workers disregard their leaders and take matters into their own hands, and announced their intention of calling a general meeting of all trade union leaders in Uganda to discuss "the alarming situation" (Uganda Argus 13-3-1971).

They insisted that although the right to strike was guaranteed by ILO Conventions it should only be used after "exhausting the negotiating machineries in Uganda and provisions of the contracts signed by workers and employers..." (*ibid*). On another occasion L. K. Senkezi of NUCCTE warned that "illegal strikes must be stopped" adding: "don't go on strike until we have told you to do so" (Uganda Argus 22-3-1971).

Discussions in the LCC took place between 1971-1972 regarding amendments to the 1964 Act as a way of streamlining the dispute settlement process. It seems however that disputes arising as a result of the Economic War 1972-1973 were the immediate impetus for the enactment of the 1974 amendment. The Economic War involved the expulsion of Asians from Uganda and the expropriation of their properties (see *infra*: 221-'2). The Africans (mainly soldiers and the petty bourgeoisie) who took over the properties and enterprises were generally anti-unions and union activities were suspended for the latter part of 1972 and most of 1973 (ARML 1973:24). The new employers' anti-unionism was generally responsible for the disputes and strikes of 1973 and 1974. While these new employers were prepared to honour existing collective agreements especially following President Amin's appeal - as their benefactor - "they were not... equally prepared to enter into new negotiations on terms and conditions of service in which wages especially were involved" (*ibid*). Apart from this absentee landlords and caretakers who came in with the Economic War especially in the plantation sector complicated industrial relations. Strikes took days to resolve because "The Ministry (of Labour) officials or managers of these

estates could not easily trace the whereabouts of those responsible for decision-making" (ibid:27). Several disputes were reported to the Ministry involving refusal by employers to recognise unions. According to the Ministry of Labour "the new employers on the whole simply had no appreciation of the role of trade unions" (ibid:25).

Even on strikes the Ministry candidly admitted:

The "Economic War" raised all sorts of aspirations among the workers such as the succession to some of the positions formerly held by Asians. When these were not realised and new people were recruited from outside their industry, frustrations set in and easily found an outlet in strikes. Thus many of the causes given by the workers themselves were simply a cover for their deep underlying frustrations that could not be openly expressed (ibid:27).

In short various aspects of the so-called Economic War were responsible to a great extent for the 1973 disputes and strikes. This situation generally continued into 1974 (ARML 1974:30-31).

Right from 1971 when more workers began striking, made several demands and even involved presidential intervention, the Ministry of Labour sought, through the tripartite LCC, to have the law amended as a remedial measure for unlawful strikes (LCC 1971, op. cit, Minute 3/71). However all the parties, the union leaders, the employers and the state limited their solutions to procedural and did not discuss substantive causes of the strikes. According to the unions, whose views were generally accepted in this respect, there were three main causes of unlawful strikes: 1) the continued absence of a central trade union, 2) lack of workers' education especially shop stewards and 3) the slow and inefficient grievance handling machinery (ibid). The LCC then agreed that a crash education programme be instituted and that "trade union officials... go around to explain to the rank and file the need to follow agreed procedures

and the effect of strikes on the economy of a young country like Uganda (*ibid*). The re-establishment of ULC was also agreed in principle as a measure that "would check on illegal strikes" (*ibid*).

The amendments to the 1964 Act were agreed on between 1972-1974 and were introduced by the Trades Disputes (Arbitration and Settlement) Act (Amendment) Decree 1974 (No. 18/1974). The effect of the amendment was to relatively speed-up the dispute settlement procedures³, to make an award enforceable on a recalcitrant employer and to make the Industrial Court more independent.

One of the loopholes in the grievance machinery under the 1964 Act was that both parties had to agree to refer a dispute to the Industrial Court (S.1(4)). After several deliberations in the LCC it was agreed in 1972 that the Minister be empowered to refer a dispute to the Industrial Court without the consent of both parties to a dispute (LCC 1972, *op. cit.* Minute 13/72). So it was now provided that after the receipt of a conciliator's report (conciliation itself had to be through within six weeks of the appointment of a conciliator, S.1(4)) on a dispute the Minister would refer such dispute "with or without the consent of the parties" to the Industrial Court or arbitration tribunal (S.1(5)). The employers had also suggested that "a provision should be made in the law to the effect that union leaders... be held responsible for the action of their members in the event of strike or any other industrial action" (*ibid*, Minute 9/72). But this was rejected. Indeed there was no need for such provision as the law then subsisting made it criminal for anyone whether a trade union officer or not to "cause, procure or counsel" any worker to go on strike without exhausting the grievance procedure (SS. 15 & 16, 1964 Act).

Further it would probably have been of no consequence to make trade union officers liable for civil loss as they would never be able to pay; trade union property itself, in any case, was immune from civil process (S.18 (1)(a) & (b) 1970 Trade Union Act).

The second significant amendment was that it was now an offence for any employer to fail or refuse "to implement an award of an arbitration tribunal or Industrial Court within twenty-eight days from the date of its publication" (S.8A(1)). The third important amendment was that the Industrial Court itself was now made more independent of the Minister as it was now empowered to announce its awards and have them gazetted without ministerial approval (S.8(1)). Finally, for the first time also the Trade Unions Tribunal was actually set-up under S.7 of the 1970 Act to determine especially on some disputes within a union or between unions (The Trade Unions Tribunal (Appointment) Order, S.I 45/1974, Commencement 19-4-1974).

The 1974 amendment to the 1964 Act was thus a result of workers' struggles which had precipitated both trade union leaders and government to strive to improve the grievance handling machinery. This became possible due to the support of the liberal civilian Labour Ministers and the government's desire, before 1974 at least, to retain workers' support.

Taking the provisions of Decree 18/1974 and those of Decree 29/1973 together it is clear that from a military regime a liberal industrial relations legal framework compared to the civilian and "socialist" Obote regime had emerged by 1974. But what was to be more crucial was the practical application of this law. This was to depend on the relative strength of labour and capital; but the decisive element would be the ability and/or willingness of the

state to enforce this relatively liberal law. It is to that practical application of the law that we now turn.

2. LOW-PROFILE UNIONISM UNDER AMIN 1973/74-1979

The actual industrial relations practice that prevailed during most of Amin's rule rested upon two factors: the virtual collapse of Uganda's industrial base as a result of the Economic War (1972-1973) and the government's lack of legitimacy. In this section, as pointed out in the introduction to this chapter, we proceed to explain why in spite of the rationalisation of the trade union movement, the formation of the central union NOTU and the presence of liberal industrial relations legal provisions, the trade unions and workers generally did not enjoy the stipulated legal rights or improve their terms and conditions of service. Later we also show how the prevailing tripartite and technocratic conception of trade unionism was systematised and strengthened under Amin and also how the tripartite LCC proved ineffective as a means of engendering further legal change in industrial relations under an insecure and repressive regime.

(a) TRADE UNIONS AND THE ECONOMIC WAR

Here we set out first, the nature of the Economic War and its destruction of Uganda's industrial base as the basis for the type of industrial relations that prevailed under Amin. Secondly we look at the reorganisation of the trade unions and the formation of NOTU as the historical basis for the contemporary trade union movement - at least the potentially viable institutional structure.

(i) THE ECONOMIC WAR, INDUSTRIAL COLLAPSE AND ANTI-UNION INDUSTRIAL RELATIONS

The source of the Economic War (1972-1973) lay in the overwhelming foreign control over Uganda's economy. Although initially Idi Amin had reversed the May Day nationalisations of 1970 (see J. Barya 1986:62-63) in his search for a social base he was forced to grant the demands of the African petty bourgeoisie. The latter demanded that the Asian domination of commerce be curbed. The idea of expropriating the Asian businessmen was therefore gradually embraced by the government and became attractive to Amin because the spoils would also allow him to gratify his army. Gradually there developed an alliance between the military, the state bureaucracy and the emerging African petty bourgeoisie, especially the businessmen (J. Jorgensen 1977:524). Although the British controlled financial capital in Uganda and had other industrial ventures (cf. cap. III:178) the Asians controlled wholesale trade, enjoyed monopoly import rights as a result of experience, contacts and cartels - in all, about 2/3 of the trade volume in Uganda (J. Jorgensen 1977:505). Further the Asians owned some two banks and in manufacturing and plantations Madhvani and Mehta competed favourably with the state-owned Uganda Development Corporation (UDC) and European companies (*ibid*: 505-506). The African petty bourgeoisie, especially the Baganda, who were opposed to Obote's "socialist" policies saw the coup as a means of championing the cause of private property for the Africans.

Throughout 1971 and part of 1972 they demanded the expulsion of Asians. Ordering their expulsion in 1972 President Amin echoed the sentiments of the petty bourgeoisie:

My Government believes that one of its primary duties is to ensure the welfare of all members of the community. This means, for example, that no one section of the community can be allowed to dominate, control or monopolise the business life of the nation. No country can tolerate the economy of its nation being so much in the hands of non-citizens as is the case in Uganda today. The Asian community has frustrated attempts by Ugandan Africans to participate in the economic life of their own country. Asians have used their economic power to ensure that the Ugandan Africans are effectively excluded from participating in the economic life of their own country. They have used their family ties, their languages which are unknown to Ugandans to exclude Africans from the business life of their own country. They have refused to identify themselves with Uganda... Their main interest has been to exploit the economy of Uganda and Ugandan Africans. They have been milking the economy of the country...⁴

Subsequently most Asians were expelled from Uganda. This included both employers and employees most of whom were skilled.

But following the expulsion Amin discovered that most of their industries and businesses were tied to British finance capital which now began claiming ownership or some other rights (M. Mamdani 1976:307-8). Further the Asian expulsion had led to a suspension of aid by the British and American governments. Amin's response to all this was to take over other foreign companies especially British ones: factories, all foreign owned tea plantations and foreign companies formerly run as joint ventures (J. Jorgensen 1977:518; J. Barya 1986:65-66).

The spoils of the Economic War distributed mainly in 1973 consisted of 5655 shops, firms, factories, ranches, agricultural estates and homes. Of these 5299 (including industries and ranches) were allocated to individuals, 169 to Government departments or Ministries, 2 to charitable organisations and 32 to parastatal bodies (RU 1977:46). In the end the Businesses Allocation

Committees allocated at least half of the businesses to the military or their relatives and friends; the rest went to the African bureaucratic and petty bourgeoisie. Further the bureaucratic bourgeoisie benefitted collectively because the industries that were too large or technically complex to entrust to individuals were allocated to parastatals like UDC, became parastatals in their own right or were put under Ministries. Because UDC was overburdened with over 100 companies under it 10 new parastatals were set up in 1974 (Commonwealth Secretariat 1979:113-115). Thus the managerial or bureaucratic bourgeoisie expanded. In the commercial sector the new commercial bourgeoisie soon became known as mafuta mingi (too much fat). In *class terms* the new employers became the expanded state sector, the commercial bourgeoisie and the propertied military.

The anti-trade union character of the new employers originated from their ignorance and sheer managerial incompetence. The Economic War brought in illiterate and semi-illiterate businessmen and employers (civilian and soldiers), put the top management of many parastatals in the hands of the militarry while many individual companies were also owned by soldiers. Further managerial incompetence also led to industrial decline and hence the need to coerce workers to maintain even minimal levels of production (see *infra*: 234-'8). However managerial incompetence and loss of some skilled Asian labour aside, industrial decline in Uganda was accelerated by the cutting of western aid (for technology, inputs and technical expertise).

The economic War did not change the structure of Uganda's economy which was based upon import-substitution industries which

had no inter-industrial linkages at the national level. When western aid was cut off the scarcity of imported machinery, spare parts and raw materials was exacerbated. Very soon the Ugandan economy simply became a "spare parts" economy (H.C. Campbell: 406-408). By the mid-1970s the ideology of development had been abandoned. As developmentalism receded the regime could only talk of rehabilitation. Thus in 1977 an "action programme" was launched. Its overall objective was "to rehabilitate the key sectors of the economy so as to restore and increase the level of production and put the economy on a sound base for future development" (RU 1977: 40). Central to the Programme was the encouragement of foreign investment and aid. By 1975 all industries depended on imports for 57% of industrial inputs (Commonwealth Secretariat 1979: 106). Lack of foreign industrial inputs, spare parts and technology and managerial incompetence had gradually eroded the productive capacity of industry. In 1976 productive capacity per industry had dropped to an average of 30% or below from the 70% average of 1971 (RU 1977: 95). The Minister of Labour himself by the end of 1973 acknowledged that the Economic War created industrial chaos:

Some inexperienced managers assumed high decision-making responsibilities; new personnel were engaged on jobs for which they had no sufficient skills; many employees lost their jobs; there were frequent breakages of machinery, shortages of spare parts and raw materials and, overall, there was an acute shortage of skilled personnel (ARML 1973, Foreword).

The economic War had also disrupted the employers organisation FUECI (Federation of Uganda Employers, Commerce and Industry) because the majority of the membership had been expropriated. FUECI had been formed in August 1971 and had amalgamated the Federation of Uganda Employers (FUE), the Federation of Uganda Industries (FUI)

and the Uganda Chamber of Commerce (UCC) (FUE n.d (c. 1972)). During the business allocation exercise of 1973-1974, due to the prevailing confusion regarding ownership some trade unionists "were apprehensive of the problems of this transitional period and decided to suspend their activities" (ARML 1973: 23). However the main reason for the near-redundancy of unions was that "attempts to contact the new employers/managers were frustrated, partly because the majority of the new employers were ignorant of the existence of trade unions or even if they were aware, were not familiar with the mechanism of trade union activities, and others were simply scared of them" (ibid. : 24). This then is the context in which the application of the liberal industrial relations legislation must be seen in so far as it affected the organisation of workers in the trade unions.

(ii) THE RE-ORGANISATION OF TRADE UNIONS AND THE FORMATION OF NOTU.

It should be observed here that although trade unions were forced to take a low profile under Amin, as we show below, the reorganisation of the trade unions and the formation of NOTU in 1974 were of significant historical importance for the trade union movement. For the first time in our view the trade union structure was rationalised and potentially strong and viable industrial unions created. In addition after six years without any central federation the trade unions now had a new national centre, NOTU.

The process of restructuring the union movement had proceeded hand in hand with the discussions on amending the 1970 Trade Unions Act and the 1964 Trade Disputes Act. The aim of this restructuring was to ensure that the resulting autonomous unions would be

sufficiently strong and viable to fulfil their functions. The union leaders and the government were agreed on this. Moves to restructure the unions were intensified after the declaration of the Economic War in 1972 when new African employers ignorant of the established industrial relations emerged. The Ministry of Labour explained that union re-organisation would take place "with a view to providing for the establishment of trade unions which would be able to render better service to its members and which would be able to contribute more effectively to nation-building" (Voice of Uganda 30.3.1973).

In the process of union reorganisation the liberal Minister of Labour, L. Katagyira, even presented the case of the need for unions to the new employers. In the 1973 annual meeting of the employers' federation FUECI he argued that "it was always easier to deal with an organised body of people than with a disorganised and leaderless mob" and urged the employers "to look at trade unions as essential workers' organisations which are interested in the welfare of their members and the promotion of peace and happiness among the workers in general which is very essential for optimum productivity" (Voice of Uganda 7.7.1973). Thus in 1974 the same Minister while announcing government arrangements, after agreement with the existing unions, to reorganise the trade union movement under NOTU coordination argued, with great credibility at the time that

the Trade Unions Act (Amendment) Decree of 1973... was a true reflection of the Government's intention to uphold principles of democracy in the trade union movement and to maintain the right of freedom of association of workers so as to enable them to negotiate with the employers on an equal basis (Voice of Uganda 23.2.1974).

The re-organisation exercise ensured that small unions merged with big ones on an industrial basis. The 25 unions of 1966 (G.N. 273/1966)

had been reduced by two mergers to 24 by 1974 (NOTU 1984 (a): 12). These were now streamlined, amalgamated and reduced to 16 as Table VIII below shows.

TABLE VIII NAMES AND MEMBERSHIP OF REGISTERED UNIONS AFTER THE
1974 RE-ORGANISATION

REGIST- RATION NUMBER	NAMES OF UNIONS	DATE OF REGISTRATION	PAID-UP MEMBERSHIPS
TU 1	Railway African Union (Uganda)	9.7.74	3,138
TU 2	Uganda Hotels, Food and Allied Workers's Union	9.5.74	3,976
TU 3	National Union of Plantation and Agricultural Workers (Uganda)	9.5.74	10,495
TU 4	National Union of Educational Institutions	9.5.74	23,976
TU 5	Uganda Beverage, Tobacco and Allied Workers Union	9.5.74	2,015
TU 6	Uganda Electricity and Allied Workers' Union	9.5.74	1,374
TU 7	Amalgamated Transport and General Workers' Union	9.5.74	1,493
TU 8	Uganda Posts and Telecomm- unications Employees' Union	9.5.74	1,802
TU 9	Uganda Textile and Garment Workers Union	9.5.74	10,789
TU 10	National Union of Clerical, Commercial and Technical Employees (Uganda)	9.5.74	5,890
TU 11	Uganda Mines, Metal and Allied Workers' Union	16.5.74	4,180
TU 12	Uganda Printers, Journalists, Paper and Allied Workers' Union	17.5.74	1,349
TU 13	Uganda Public Employees' Union	17.5.74	23,976
TU 14	National Union of Co-operative Movement Workers (Uganda)	23.5.74	6,044
TU 15	Uganda Building Construction, Civil Engineering and Allied Workers' Union	21.5.74	4,500
TU 16	Community General Fund Services Union (Uganda)	25.10.74	1,263
TOTAL MEMBERSHIP			106,260

All the 16 unions were automatically affiliated to NOTU as stipulated by S.1(1) of the 1970 Act as amended by Decree 29 of 1973. In 1974 total paid up union membership stood at 106,260 compared to the total book membership of 106,180 in 1971. This meant an improvement in membership because unpaid up members are usually a considerable number (ARML 1974: 51; B. Nicol 1979: 283). Although the union membership fell between 1974-1976 as a result of a wage freeze and ban on collective bargaining (*infra:237-'8*) it is reported that by 1978 union membership had recovered and was estimated at 150,000 book membership (NOTU 1980) out of a total of 367, 600 recorded employees (1977 figure, see RU 1982: Table 1.18). If we consider that the paid membership was much less, probably the NOTU estimate of 1978 may not be greatly exaggerated.

The importance of the formation of NOTU and the re-organisation of union movement is that institutionally for the first time Uganda's trade unions had a genuinely unified national centre, while the 16 affiliates of NOTU were potentially strong and viable instead of the previous small unions that "used to waste...time bickering at each other forming splinter groups among the workers" (See RU 1976: 104).

In spite of this positive re-organisation of the trade union movement and the liberal law guaranteeing a voluntarist industrial relations system the effects of the Economic War and a dictatorial government to a great extent made the positive changes of 1971-1974 redundant. With this in mind we proceed to look at the operation of the new industrial relations legal framework in practice and its effects on the trade unions in particular and workers generally.

b) THE "LIBERAL" INDUSTRIAL RELATIONS LEGAL FRAMEWORK IN PRACTICE

In general the liberal industrial relations legal framework set up between 1971-1974 was not taken advantage of by the unions nor did the state seriously attempt to enforce it. In this section we analyse why this was so. First we argue that while the Industrial Court generally upheld union rights and freedom of association employers and management who did not owe their positions to legal provisions ignored the law. Secondly because the political system came to depend upon force, the new employers and managements personalised and militarised industrial relations greatly rendering the legal framework redundant. Thirdly the collapse of the industrial base, anti-union employers, the 1974-76 wage freeze weakened the unions and diminished the role of collective bargaining. Conditions of labour thus greatly deteriorated. Finally there was a great diminution of the role of the legal dispute settlement processes while at the same time strikes almost disappeared after 1974 - this was because workers distrusted the legal machinery's effectiveness while strikes were brutally suppressed.

(i) UNION RIGHTS IN PRACTICE - GENERAL

The Industrial Court in general always endorsed the rights of unions to represent their members. But the Court was unable to enforce its awards nor could unionists and workers due to the atmosphere of repression. Some examples will suffice. In Uganda Printers, Journalists and Allied Employees Union v Isiko Brothers Press Ltd. (I.C.C.1/1974) the respondents argued that because they had changed their name the former collective agreement with the

union did not bind them and tried to change some terms and conditions unilaterally. The Industrial Court held that the respondents were still bound by the agreement until both parties signed a new Agreement.

Similarly in UTGWU v. Blue Bird (Uganda) Ltd (I.C.C. 6/1975) the respondents were a one Col. Suleiman and his wife. The dispute was about suspension/wrongful dismissal. It was argued for the respondents that the union had no locus standi to represent the claimants and further that as the owners had taken over the business from the Asians they were not party to their collective agreements. It was also held here that any trade union has the locus standi to represent its aggrieved member and that the suspension had been unlawful. What is more instructive here is that the soldier-employers refused to attend Court to give evidence and all that the Court could do was to recommend seminars and courses for both workers and employers "to be addressed by eminent Judges/Chairmen or others who have had very long experiences in labour matters" and urged employers "to bear in their minds that workers are the backbone of the economy of this country"; so "they should not...be treated as expendable commodities".

In NUCCTE v. Family Planning Association of Uganda (I.C.C. 5/1975) counsel for the respondents argued that because the respondents had not recognised the union the latter could not represent the Claimant albeit a member of NUCCTE. Rejecting this the Court observed that it had been set up specifically "to enable employers and their workers to settle their disputes as expeditiously as possible and to control and regulate strikes so that the economy of this country may not be jeopardised and

disrupted by unnecessary delay in settling trade disputes due to legalistic tactics and approaches which are applicable in ordinary law courts". It then held that were unions not to represent their members simply because the party whose decision they were challenging did not recognise the union "employers would use the same to victimise innocent workers in which case the Court would have shirked from its responsibilities of protecting legal industrial rights of workers and the maintenance of industrial peace in the country".

But while the locus standi of unions to operate and represent workers was upheld by the Court in actual practice the Court had no way of enforcing its own awards and many employers and their managers simply acted outside the legal or collectively agreed framework. We shall demonstrate this below.

At another level the new liberal legislation was actually reversed or became redundant. For instance while trade union leaders had been left free to become M.P's this freedom was reversed not only for trade unionists but for all Ugandans because political parties and activity were banned under Amin. While the Suspension of Political Parties Decree (Decree 14/1971) had suspended all parties and their activities for two years ostensibly "in the interests of national security and public order... as a temporary measure" (*ibid.*, Long title), the two-year suspension was later made permanent and extended to the 8 years of the Amin regime (see Decree 6/1972, dated 15/3/1973). Subsequently any union association with "politics" was condemned. In 1974 Amin "sternly warned trade union leaders to stop playing politics" because "following reports from intelligence officers,... there had been some strikes in Uganda

organised by a few workers who wanted to increase their wages unilaterally" (Voice of Uganda 11.5.1974). On another occasion, condemning the striking workers at Lugazi Sugar Works who had burnt down the plantation, he "urged them to respect their bosses, to love one another and to have discipline. He also warned them not to indulge in politics and never confuse their job with political activity" (Voice of Uganda 22.5.1974).

In fact "politics" here did not mean party politics but embraced any form of protest or open dissent. From 1974 onwards leading members of the Amin regime reiterated the government's anti-freedom of speech and anti-freedom of political organisation openly and ad nauseam. The Minister of Labour himself while addressing the delegates of all the newly registered trade unions in 1974 though affirming the government's commitment to workers' freedom of association "warned the trade union leaders and the workers not to abuse these freedoms... (because) the government would take necessary action whenever it is found that a trade union leader or any worker, for that matter, was trying to confuse other workers and disrupt the government's efforts in uniting the people of Uganda" (Voice of Uganda 27.5.1974). He did not see any contradiction between espousing freedom of association while actually preventing workers from exercising it in the political field⁵. Later, referring to some public statements by H.M. Luande who had compared the then industrial relations problems to the situation in Vietnam and noting that "some leaders were politicians in days gone by" he recalled Amin himself:

if such persons want to continue to be leaders of workers in a revolutionary Uganda they must try their best to keep their political dreams to themselves and not preach their politics to the workers and thereby confuse them (Voice of Uganda 28.5.1974).

These positions were repeated subsequently (Voice of Uganda 15.7.1974); and the Minister of Education for instance, while addressing Makerere University unionists in the course of a trade dispute declared rthat "the time for militant unionism was gone" and that all should work together (Voice of Uganda 7.2.1975).

While freedom of association in general political terms was denied to all Ugandans and unions warned against political dissent, the voluntarist industrial relations system erected between 1971-1974 was even more openly violated by the new employers.

(ii) THE MILITARISATION OF INDUSTRIAL RELATIONS: REPRESSION

REPLACES LEGALITY

Although the Ministry of Labour especially the Minister himself continued to claim in public that both in law and practice the Amin regime was committed to voluntary industrial relations processes, the reality was there for all to see. In both the nationalised and private industries industrial relations were militarised, workers' protest at conditions of work brutally suppressed while union officials were constantly at risk of imprisonment, torture, dismissal and even death.

Although these practices were largely unrecorded and could not generally be reported in the official and private press, some post-Amin reports give some indications of what prevailed especially between 1974-1979⁶. Some examples however may suffice.

In one of the nationalised companies the Manager transformed himself into transport officer, cashier, storekeeper, canteen supervisor and general supervisor. He did not follow the grievance procedures laid down but physically punished workers he considered at fault (NOTU 1979: 2-3). At Pamba Textiles Limited, a nationalised company also, some company managers used company employees as servants in their homes, while at Nile Breweries Limited commodities meant for workers were diverted to personal businesses allocated to one of the Managers during the Economic War (ibid: 5-6). In Uganda Grain Milling Company the General Manager sold bread to magendoists (black marketeers) and instituted arbitrary wage scales which did not reflect skills and qualifications (ibid: 6-7).

However it was the militarisation of industrial relations that was most pervasive. For instance when one of the most notorious figures of the Amin regime, Central Province Governor Major Nasur, addressed the Uganda Rayon Textile workers at Kawempe he urged increased production but warned the workers against "politics". He blamed the workers for drunkenness and absenteeism and rumour-mongering (Voice of Uganda 7.4.1975); but above all instructed the Manager to take drastic measures to stop the plummetting production situation from getting worse and "to keep the National Textiles Board and the Governor's Office informed" (ibid.).

At Associated Match Co. Limited the Personnel Officer planned with "Amin's agents" to force the foreman out of work and planned "the disappearance of his car and his property". He held several meetings with the State Research Bureau (the notorious intelligence branch) and army personnel and intimidated workers. As a result of insecurity and fear for their lives some workers deserted and production fell (NOTU 1979: supra, 2-3).

The Pamba Textiles Limited's manager was himself thought to be a member of the notorious State Research Bureau. Further, management refused to pay union dues as per check-off agreement, constantly suspended or dismissed union officials and adopted delaying tactics in collective bargaining⁷. Finally it was also reported that in 1975 at Pamba Textiles some union leaders were killed as management tried to suppress the UTGWU union branch which denounced management corruption and incompetence⁸.

At Nile Breweries Limited during the course of a strike in 1976 the General Manager in collaboration with some Nubian sales managers (Nubians were ethnically related to Amin) called in Lt. Col. Hussein of Col. Gaddafi Barracks who brought in soldiers to intervene. Some workers were almost beaten to death, others were detained in the military barracks and 84 others summarily dismissed. Then management "banned all union activities" and terminated the services of all union branch representatives in the brewery (NOTU 1979: 5). No other worker thereafter dared offer himself to be a union leader.

At Uganda Grain Milling Co. due to staff discontent the Military Governor of Busoga in collaboration with the General Manager imprisoned one staff member "brought (him) back in the factory... barefooted", called a staff meeting where he arrested more staff members and warned "to come for more staff members if the staff did not stop working against the General Manager". In general the General Manager "used the Amin Military Police to solve industrial problems by reporting every minor offence to the Military Police who never hesitated to arrest and detain alleged offenders" (ibid: 6-7). In this industry union activities were also suppressed by both the General Manager's violent threats against union

officials and his recruitment of policemen in plain clothes "to work together with workers in order to spy on them" (*ibid*: 7).

At Nyanza Textiles Industries Limited (NYTIL) management also used "military men to intervene in purely industrial matters" while five branch officials were dismissed by the Provincial Governor and the Minister for Power and Industry, both of them soldiers, who declared them "unwanted" in Busoga Province (*ibid.* 8). This was in 1977. The alleged reason was that the union officials had met at Crested Crane Hotel, Jinja, and planned an illegal strike. There was no evidence of this and the national union leadership of UTGWU believed this was management tactics to muzzle the union. Before being dismissed the union leaders were detained⁹. All this of course was in total disregard of established procedures for dealing with disputes.

The militarisation of industrial relations and suppression of trade unions created even more industrial instability as some workers also resorted to "writing anonymous letters to government officers" as a way of accusing repressive managements, hoping for action from the unpredictable military-political bosses. This prompted the Busoga Governor, Captain Haruna Salim, for instance, to advise the workers that if they had any complaints" they should either go and see the officers in person through the local chiefs or write and sign the letters so that their complaints could be attended to" (*Voice of Uganda* 17.4.1976).

After Amin's removal in 1979 the industrial relations order that prevailed under his rule was succinctly described by H.M. Luande, NOTU Chairman. Like other civil institutions and organisations trade unions had been suppressed. Workers were

cowed. They had been denied freedom of speech and association. Collective bargaining with employers had lost its true meaning and as "a result trade unions almost went on a long paid leave" (NOTU: 1979(a):6.).

In enterprises where unions were recognised, top managers

could not follow the laid down procedure of settling grievances and they respected or... feared only Amin who planted them in those positions. The most unfortunate part of these managers was that they were inexperienced in industrial and personnel management; they were not sure of what to do and suspicious of those experienced and qualified personnel who served under them and worse still they did more of spying on their staff than actually managing since they were members of the notorious State Research Bureau (*ibid.* 4-5).

(iii) WEAK TRADE UNIONS, THE DIMINUTION OF COLLECTIVE BARGAINING AND THE DETERIORATION OF CONDITIONS OF LABOUR.

Under Amin the collapse of the industrial base weakened the trade unions in several respects. Other factors however also contributed to the weakening of the unions. Our concern here is with the presidential wage freeze 1974-1976 and the diminution of collective bargaining as further sources of union weakness and the deterioration of workers' conditions of labour. In essence both the Economic War and the 1974-76 wage freeze added up to a negation of the liberal trade union law of 1973 as it could not be taken advantage of as a result.

In 1973 the government appointed a Salaries Review Commission (G.N. 372/1973) and subsequently Amin imposed a general ban on wage increases and improvements in other terms and conditions of service (ARML 1974: 31). While addressing sugar plantation workers who had gone on strike demanding wage increases and improvement in work

conditions he made this clear: "nobody can have his salary increased until the report of the Salary Review has been published" (Voice of Uganda 22.5.1974). This ban lasted between 1974-1976. Although it was lifted on 25.1.1976 (NOTU 1976: 4) the Special Grading Committee set up after the Salaries review "to look into the possibilities of restructuring terms and conditions of managerial staff in the traditional Civil Service, government-run companies including parastatal bodies" went ahead to announce that "the terms and conditions of service of established staff will be subject matter for the consideration of the Committee" (ibid: 5). Collective negotiations which had begun were suspended until protestations and representations by employers and workers led to the lifting of the suspension later in 1976 (ibid.). In the meantime the trade unions were dealt a serious blow as workers resigned from unions and even union leaders left jobs to find some other employment. This was in addition to the fact that following the Economic War some of the most able trade union leaders had "either taken up managerial positions or... become mafuta-mingi" (NOTU 1975(a): 7).

In the LCC meetings of 1975 even the employers' federation FUECI demanded that the wage freeze be lifted. This was because, as they had constantly reported, "due to wages remaining static, they were constantly losing their employees and the situation was even worse in the tea estates. The cost of living had risen considerably and this was affecting the morale of the employees...; as a result of this, workers were moving from one industry to another in order to look for better wages" (LCC 1975: Minute 7/75). The workers' representatives supported this demand and pointed out that unions especially in the plantations "had lost several members because of

the wage freeze and most of them had left the estates in order to go back to their homes to grow food for living" (*ibid.*). Elsewhere the NOTU Chairman similarly argued that without wage/salary increases the unions were difficult to run as no contributions came in but more so because members lost interest in the unions. He observed that "very many members have resigned and such a situation badly affected NOTU and its affiliates' financial strength" (NOTU 1975(a): 3).

In 1976 a NOTU investigation into the monthly contributions from its affiliates revealed that workers' desertion from jobs, resignations from unions, redundancies, lay-offs and closures of enterprises led not only to NOTU's financial doldrums but were undermining the whole trade union movement (NOTU 1976(a)). In the tea estates not only did many workers abandon their jobs to seek others but "those who remained at the estates decided not to become union members" (*ibid.*: 4). In the transport industry the ATGWU reported that many of its companies had closed down or were intending to do so and thus many workers were being laid off (*ibid.*: 10). NUCCTE gave similar reasons for a drop in its membership (*ibid.*: 11). And generally the 16 trade unions affiliated to NOTU all complained that employers delayed in sending the members' subscriptions to the unions' headquarters account in accordance with the check-off requirements (*ibid.*, see S.I 71/1974). This was because either the companies were themselves in financial problems or because of the anti-union character of the new managements and employers. In NOTU itself between 1975-1976 because of its impecuniosity all its staff left to look for other jobs and from time to time temporary staff had to be employed (NOTU 1976 Supra: 16-17).

The suspension of collective bargaining further weakened the unions and worsened workers' living conditions. As we saw the Economic War (1972-1973) had disrupted collective bargaining and union activities (Supra: 223-'5) while between 1974-1976 the wage freeze suspended collective bargaining. Basically then collective bargaining during the latter part of the Amin regime took place from late 1976 onwards. The Ministry of Labour thus reported for both 1977 and 1978 that "collective bargaining was the most common method by which wages were fixed" though "in small undertakings where workers were not unionised wages were fixed between individual workers and employers". Further it was observed that "unlike in the past years when some employers paid wages below the statutory minimum now such employers paid higher wages. The immediate explanation... was that workers would not readily accept manual labour at low wages" (ARML 1977: 12-13). Again in 1978 most union negotiated wages "which were well above the statutory minimum of shs. 240" (ARML 1978: 9, see S.I. 34/1976).

It must be understood however that the minimum wage itself had become meaningless in the face of the general rate of inflation which had generally risen from 146% in 1970 to 1125% in 1978 (A.E. Walugembe-Musoke 1987: 17). So while workers belonging to trade unions may have fared better as a result of collective bargaining the inflationary situation easily eroded their gains and for this matter the 1976 statutory minimum wage order was of little relevance in worker-employer relations. It may be said in fact that in order to retain labour some employers were forced to raise wages simply due to inflation. Due to the weakness of the unions also some

employers, taking advantage of the anti-union industrial relations atmosphere, tried to revive the works committee system which only dealt with non-negotiable issues. But because the committees achieved little, workers became disillusioned with them as their requirements were not met "while some of the trade unionists became sceptical of the system...; they felt that joint consultation where it existed, was a tactful manoeuvre by employers to weaken trade unionism" (ARML 1977: 12). It would appear then that the late revival of collective bargaining under Amin may not have enhanced workers terms and conditions of labour in any significant way. A brief examination of the cost of living trends may illuminate this point.

Before we look at the cost of living trends we note that the deterioration of the economy led to redundancies and the growth of a bayaye (lumpen proletariat) social class. An indication of redundancies is the mining sector which in 1971 had about 7400 workers. By 1977 they had dropped to about 4100 (RU 1982: Table 1.18). Overall employment is recorded to have increased between 1971-1975 from 324,538 to 371,259 employees (RU 1977: 39). However this was only in the public sector as a result of the 1972-3 nationalisations and subsequent employment recruitment especially in administration (ARML 1974: 34). Employment in the private sector overall actually declined from 190,508 in 1971 to 161,937 in 1975 (*ibid.* 38). While some of the workers especially in the private sector who deserted or were made redundant went back to subsistence farming, a big number is estimated to have joined the black market sector (magendo) and became bayaye. At the end of the Amin regime the number of bayaye households was estimated to be about 200,000

both part-time and full-time. About 50% of these households were non-peasant or urban bayaye (R.H. Green 1981: 27). This was one of the most significant results of Amin's destruction of the economy.

For those who remained in work the cost of living rose very fast especially for the middle-income and low-income earners. While the cost of living indices in 1971 stood at 151, 161 and 169 for the high, middle and low income groups respectively by 1975 it had risen to 280, 327 and 410 respectively; towards the end of the Amin regime the indices stood at 658, 1172 and 1546 in 1978 for the three income groups respectively (A.W. Walugembe-Musoke 1987: 26a). And according to these cost of living indices this meant that the lowest paid workers' cost of living always rose faster than that of the bourgeoisie or even middle income earners (See I. Livingstone and H.W. Ord 1980: 423). In any case for the most part the upper income strata is non-unionisable both in the public and private sectors. Although no figures were available for wage levels in unionised and non- or partially unionised enterprises for the 1970s the rate of inflation definitely outstripped the wage increases. The minimum wage fixed in 1965 at shs. 160 was only raised in 1976 to shs. 240 (S.I. 34/1976). Although after 1976 many employers paid wages above the statutory minimum especially in the unionised sectors many employees in the government sector received only the minimum. Even those paid above the minimum in both sectors could not attain their 1960s standard of living due to the hyper-inflation of the latter part of the 1970s.

Thus even the small labour aristocracy of the 1960s was gradually destroyed. The only winners under the Amin regime were the new businessmen (soldiers and civilians) or the commercial

bourgeoise (mafuta-mingi), the new employers and the top executives who had access to the national surplus unhindered by legal rules and conformity with administrative procedures. (See generally, J. Jorgensen 1977: 524-538; H.C. Campbell: 400-402).

(iv) DISPUTES AND STRIKES: THE DIMINUTION OF LEGAL DISPUTE

SETTLEMENT PROCESSES.

The deterioration of workers' living standards in the 1970s would under other circumstances be expected to generate worker discontent, numerous industrial disputes and strikes. We have seen above how many workers responded to the decline of their standards by deserting jobs and returning to the countryside or by becoming bayaye. By the mid-1970s unions and workers had come to distrust the official and legal settlement processes and institutions. This was so in spite of the speeding up of the processes by the 1974 Trade Disputes Act (Amendment) Decree. Equally workers had distanced themselves from strike action due to the repression the state was then want to met out on them.

Although the statistics available may not be completely accurate they indicate that conciliation and mediation atrophied from their 1970 importance of 118 cases a year to a mere 5 in 1978. By 1973 out of 68 disputes only 20 were resolved by mediation while a whole 32 of them were carried forward unresolved. This therefore seems to have progressively persuaded unions and workers to have less confidence in the official legal dispute settlement processes. Table IX shows the general trend between 1970-1978.

TABLE IX TRADE DISPUTES REPORTED TO THE MINISTRY OF LABOUR AND
THEIR RESOLUTION 1970-1978

Year	Conciliation/ Mediation	Industrial Court	Sent Back to Parties	Withdrawn by Parties/ Settled out of Court	Rejected by Minister	Carried Forward	Total
1970	118	14	9	-	8	9	158
1973	20	6	6	2	-	32	68
1974	28	14	2	10	12	2	66
1977	?	10	?	3	?	1	51
1978	5	8	-	6	1	4	24

Source: ARML: 1970-1978

What is more important is that gradually the total disputes reported to the Ministry of Labour diminished. It was only the Industrial Court that seems to have retained a measure of confidence from the workers though this was also gradually undermined. The Court's role was further undermined when its Chairman was murdered in 1978, it is believed, by the state's "security" agencies themselves.¹⁰ The murder aside, the role of the Court was exacerbated by its long delays in dealing with disputes. Most of them took about a year to resolve. As Table X shows the level of disputes settled by the Court tended to diminish with time. What is more significant is that although before 1974 cases could be referred to the Court only with both parties consent while after 1974 (see

S.1(5) of the 1964 Trade Disputes Act as amended by Decree 18(1974) either party could simply report the dispute without the other's consent, after 1974 disputes reported to the Ministry and referred to the Court actually diminished (Tables IX and X).

TABLE X DISPUTES BROUGHT BEFORE THE INDUSTRIAL COURT 1970-1978

Year	Total Registered	Settled	Carried Forward	Withdrawn/Settled	
				Out of Court	
1970	14	10	1		3
1973 ¹¹	6	4	2		-
1974	14	8	4		2
1977	10	6	1		3
1978	8	2	2		4

Source: ARML: 1970-1978.

The diminution of the role of dispute settlement processes and institutions suggests a virtual breakdown of workers' confidence in legal mechanisms as a way of resolving industrial disputes. However even the unlawful strikes common up to 1974 also dwindled in the latter half of Amin's rule. As Table VII shows (p.213) up to 1974 strike action was still high, between 41-64 strikes a year, but thereafter strikes diminished. In 1977 there were only five strikes and in 1978 only seven. Although strike statistics for 1975 and 1976 are not available, from a perusal of newspapers at the time (Voice of Uganda 1975-1976 especially) and some interviews¹² the level of strikes was indeed very low. This was in fact the period of the wage freeze in which workers resistance to adverse terms of

labour took other forms rather than strikes, namely: sabotage of industrial production, desertions en masse especially in the plantations and theft at work (ARML 1974: 34; NOTU: C.1977 : 3; see also supra: 238-'9). Although government interpreted the drop in strikes as a result of the success of its new liberal industrial relations legal provisions (RU 1976: 103) and vigilance of the Ministry of Labour, the truth of the matter is that actual repression, the collapse of industrial production and weak unions had all contributed to loss of morale on the part of workers. Above all from various experiences strikes had increasingly "turned into bloody affairs, with the fascist army mowing down unarmed workers" (M. Mamdani 1983: 49) and so workers preferred not to confront oppressive managements supported by a repressive regime.

The collapse of the economy following the Economic War was almost total by the end of 1976. This is why in 1977 a rehabilitation programme known as The Action Programme (RU 1977) was launched. It was a short-term 3-year programme meant to attract foreign investment and rejuvenate industrial production (see supra: ; also J. Barya 1986: 73-78). This time no pretence existed as to the development credentials of the regime. From now onwards economic policy was based on the minimal baseline of "rehabilitation".

The Economic War and its results, namely, the virtual collapse of industrial production together with a dictatorial regime were therefore the fundamental cause of the failure of the liberal trade union and trade disputes legislation enacted in 1973-1974. In spite of the institutional restructuring of the trade union movement and the formation of a central coordinating union, NOTU the

militarisation of industrial relations, the 1974-1975 wage freeze and ban on collective bargaining all led to the weakening of trade unions and the consequent deterioration in workers terms and conditions of labour. The diminution of the legal dispute settlement processes and institutions as much as the virtual abandonment of strike activity by unions and workers was also a result of the intense repression workers experienced from both employers and the state acting in concert.

The latter part of the Amin regime (1974-1979) therefore saw a major weakening of the trade union movement in Uganda. This was mainly due to economic collapse which was coupled with employer and state repression. Ideologically instead of economic independence and development the regime had now settled for mere "rehabilitation". However in spite of all this economic decline trade unions as institutions survived and more so with potentially more viable structures due to the 1974 re-organisation. Although the legal rights which even further improved between 1971-1974 could not be utilized for the most part due to the repressive conditions, the most important thing was that they survived the regime.

3. TRADE UNION EDUCATION, IDEOLOGY AND THE LAW

One of the more invisible legacies of the Amin era within the trade union movement was the entrenchment of the ideology of tripartism on the one hand and that of technocratic and careerist unionism on the other. Although it may not have been of much practical importance under Amin it provided the conceptual premises from which the trade unions demanded legal changes to enhance union participation in workplaces and even in the political system. The

major importance of the two ideologies however lies in their continuing prevalence in Uganda's trade union movement today.

It was mainly the role of education, in the context of the so-called Economic War of independence, that enhanced the tripartite and technocratic ideological views of trade unionism under Amin. Following the Economic War Amin's approach to industrial relations was that there was no contradiction between labour and capital. All economic enterprises belonged to "all Ugandans". On May Day 1974 General Amin laid out his government's views on industrial relations:

in Uganda of today everybody is a worker so long as he is engaged in some productive activity which contributes to national development. We do not believe in sharp and artificial divisions between the workers and the so-called employers as you find in imperialistic capitalist countries. We are joined together by a common bond of brotherhood and have the common goal of achieving prosperity and well-being for all people. ...Both the workers and their managers must continue to regard each other as comrades in arms, each making their contribution in their own way towards the desired goal... (fighting) the common enemies of poverty and under-employment (Voice of Uganda 1-5-1974).

Yet in the same breath he acknowledged a contradiction between workers and management especially the new ones, though he tried to marginalise the problem. He continued:

I have... had a few reports of some managers who continue to use threats and bad language to their workers whenever the latter make complaints regarding their conditions of work. It is to these few bad managers that I wish to appeal very strongly so that they can change their ways... (ibid.).

As a matter of fact right from 1973 the Ministry of Labour tried to encourage tripartism and co-operation between unions - workers and the new employers. The Minister of Labour castigated employers for laying-off workers in order "to make room for their

friends and relatives" hoping that this had been done "out of ignorance and emotions" and appealing to both partners to co-operate . (Voice of Uganda 15-12-1973). And following various promises by the Minister of Labour that a tripartite Workers Education and Organising Committee would be set up (see, e.g. Voice of Uganda 22-3-1975) this committee was set up in 1977. Its objectives were "to consider the workers' education programmes and at times consider subjects to be taught... at seminars and courses when organised" (NOTU 1978 (b):6).

In our view the government's encouragement of tripartism - at least by the Ministry of Labour - reinforced the educational programmes of the ILO. The importance of ILO educational impact under Amin arose mainly from the fact that due to Amin's conflict with the West the ICFTU and other western unions were effectively excluded from operating in Uganda. Instead, in addition to the ILO, the unions from USSR and Arab-Islamic countries saw this exclusion as an opening for them to influence Uganda's trade union movement.

NOTU was the main channel through which educational programmes were run. NOTU established its Department of Education in 1975 headed by R. W. Kasozi (NOTU 1976(b):2). Although many trade union leaders had been overseas on ILO and a few other organisations' courses, NOTU began training Field Organisers, Trade Union Instructors and Senior Trade Union leaders for whom different courses were held, more systematically, from 1975-1976 (NOTU 1976(a):6). From this time ILO influence increased. In February 1976 a ten-man ILO delegation visited Uganda and held meetings with NOTU and Government officials and then recommended a "crash programme of (sic) Trade Union Leaders" (ARML 1977:12-13). From

1977 ILO organised seminars for Trade Union Instructors and Leaders and helped NOTU send union leaders out for courses especially at the ILO Centre for Advanced Technical and Vocational Training, Turin, Italy, and a few in some African countries (NOTU:1976, supra:7; ibid:13). In 1978 ILO donated finances to fund local courses especially for General and Organising Secretaries (NOTU: 1978:2-3; 1978(a); ARML 1978: 9).

In these courses the aim was to teach trade unionists the labour laws of Uganda, other labour matters like the nature of the Social Security Fund and the nature of the ILO and international trade union organisations (see NOTU 1978(a)ibid). Subjects were taught in an uncritical way and the institutions and organisations dealt with as though they were natural. In some courses the Minister of Labour himself taught the course on labour laws! On the other hand the Soviet central trade union, the AUCCTU (All Union Central Council of Trade Unions) was also trying to get a foothold in Uganda's trade union movement. By 1974 it was sending Ugandan trade unionists to its 10-month course at the International Faculty of Higher Trade Union Education College (ARML 1974: 29). At the local level AUCCTU began organising joint annual seminars with NOTU from 1976 onwards for national and regional or branch union leaders and inviting NOTU representatives to annual May Day celebrations in Moscow and AUCCTU Congresses (NOTU 1976, supra: 6, 15; 1977: 11; 1978(a): 8). The Soviet union's assistance to Uganda's trade unions was part of a wider Soviet strategy to gain political influence in Uganda after Amin's rupture with the West (see M. Mamdani 1983: 68-76).

What is crucial here however is that while the AUCCTU sponsored seminars to teach socialist trade unionism, at the same time lecturers from Uganda and the ILO taught labour laws and labour issues in a technicist way and within the framework of a peripheral capitalist economy that Uganda was. They projected the role of workers as tripartite social partners in accordance with ILO ideology.

Relations with the Eastern Bloc countries, through the WFTU and directly with countries like Yugoslavia were limited to invitations to congresses and one or two short-course seminars for a couple of trade union leaders (ARML 1977: 13). The relationship with the Arab-Islamic countries was mainly formal. From 1976 Libyan, Iraqi and Egyptian unions were inviting Ugandan unionists to their congresses and paying visits to Uganda promising assistance of all types many of which promises were not fulfilled. For instance Libyan unionists had in 1975 visited Uganda and made a grandiose promise - to build a Workers' College in Uganda. But this turned out to be mere politicking (NOTU 1977 : 11-12; NOTU 1978).

The overall impact of the seminars was that tripartism as an ideology was reinforced within the trade union movement and ILO concepts were more consistently taken on board. These effects could be seen in the demands or "requests" (as they mainly were under Amin) of the unions within the LCC meetings and in other fora. At one of the seminars organised by the AUCCTU one lecturer Dr. D. E. Energin taught that "collective bargaining is not a class-conscious political movement geared towards changing the economic system, but rather one that has been orientated towards increasing union power in the operation of business" while another lecturer merely spelled

out "the means of production and how to improve productivity". The overwhelming number of technical subjects at these seminars drowned such topics by the AUCCTU lecturers aiming at emphasizing the need for workers' participation in decision-making within enterprises (see. NOTU 1977(b)).

A combination of ILO and AUCCTU education produced the "requests" for workers' participation in decision-making but as an incorporationist concept.¹³ Indeed the NOTU Secretary General set out such strategy for workers' participation in his Memorandum to the LCC for discussion. He first pointed out that since the Economic War "the workers have been rather silent, probably in the hope that the Government would come to their rescue and solve their problems like it has solved other touchy ones" (NOTU 1975(a): 7). Noting that the trade union movement had in fact been dormant he echoed Amin on the non-conflictual nature of labour-capital relations:

Both management and employers have a common goal and objective in that all aim at making the enterprise for which they work a success. The legendary that there are two sides in industry the management on one hand and the workers on the other presupposes that the two sides have different goals and objectives and is therefore absolutely false and detrimental to economic development (*ibid.*).

He therefore suggested that workers should be given a chance to participate in decision-making through suggestion schemes, Joint Consultation Committees and above all, since "all workers are, through the state, the co-owners of the majority of our industries... they should be given an opportunity to participate in the highest decision-making organ - the Board of Directors" (*ibid.*: 8-9, 10).

As an extension of this thinking the trade unionists even sought political incorporation into the Amin regime. They requested to be represented on Amin's National Forum (NOTU 1978(a): 13). The National Forum was one of the schemes set up by Amin to try and re-create some social base through the appearance of consultation. From 1977 the participants in the National Fora were actually hand-picked by Provincial Governors and were national only in that they came from different parts of the country - they were in fact the voice of the mafuta-mingi (M. Mamdani 1983: 57). The ideology of tripartism having been embraced by the union leadership culminated in the demand to be incorporated into the dictatorship. This was not simply a survival strategy by the unions because they had no hidden attempts of opposing the repressive regime. However this was not merely their failing. What was more unfortunate in the case of Uganda of the 1970's was that among the petty bourgeoisie opposed to Amin no *serious attempts* were ever made - with the possible exception of Y. Museveni's FRONASA (Front For National Salvation) - to link up their exiled political organisations to any worker or peasant organisation, clandestine or open.¹⁴ Repression aside, the political vacuum created by the Amin regime and the unchallenged ideology of tripartism in industrial and political terms had effectively emasculated and depoliticised the trade union movement by the fall of the dictatorship in 1979. What should be clarified here however is that while workers and trade unions in particular were pressing for some forms of workers' participation in management, the regime was merely interested in containing workers' discontent and incorporating them into state institutions. Thus the rhetoric about tripartism by the regime was part of the corporatist

strategies of the government. But in the period 1974-1979 because the economic basis for the success of a corporatist strategy had been undermined which partly further pushed the regime into repressive behaviour this meant that in practice tripartism had little impact. Repression was the mainstay of the regime.

However the predominance of repression and arbitrariness in industrial relations during the Amin era seems to have convinced the unions that the removal of the dictatorship would resolve all their problems. In this regard tripartite ideology as such was not questioned. The problem was the particular regime. Thus the importance of the ideology, having been more systematically nurtured under Amin, through educational courses, would be more important in the post-Amin era.

4. LAW REFORM AND THE INEFFECTIVENESS OF THE LCC

Between 1974 and 1979 the fall of the Amin regime attempts were made by the trade unions through the LCC to have some amendments made to the law including the ratification of ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention 1948). The issues which were of constant concern to the unions were: reinstatement in case of wrongful dismissal, amendment to the Workmens Compensation Act and the extent of the check-off system.

One interesting and in fact the only amendment to the Trade Union Act after 1973 concerned the use of union funds. Immediately after the formation of NOTU the Minister of Labour had warned union leaders who "tended to sit in the offices and wait for money collected by check-off system to come in at the end of the month.

They could pay themselves without having done a good months' job for the workers" (Voice of Uganda 27-5-1974). To show that he was serious about this he suspended the Organising Secretary of the Uganda Hotels and Allied Workers Union who was also Deputy Chairman of NOTU because he had collected funds and put them to personal use (Voice of Uganda 28-5-1974). The Minister's constant warnings on the question prompted H. M. Luande in 1975 to acknowledge that some union leaders did embezzle funds but not all, suggesting that "if such officers are found (they) should individually be dealt with other than damaging other innocent officers and the morale of the entire labour movement" (NOTU 1975: 2). Another case where the embezzlement of union funds was central was in the Educational Union. In fact this union was deregistered in 1976 (G. N. 610/1976) on the grounds that its funds were being expended in an unlawful manner and on an unlawful object (S. 11(I)(b)(v) of the Trade Unions Decree No. 20/1976). Although the Trade Union Tribunal later held that the union shop upon which union funds were expended was a legal object, it did not determine the question whether the concerned union had also embezzled those funds in the union shop (see Voice of Uganda 11-9-1977). The important point however was that the amendment to the Trade Union Act made in 1976 was a result of a cumulative pattern of embezzlement of union funds by some officials that prompted the Minister to wage a lone battle against the practice and to ensure that the 1976 Amendment was made. S.14(1) of the 1976 Decree (Decree 20/1976 consolidated the 1970 Act and Decree 29/1973) empowered the Registrar of Trade Unions to interdict or suspend any officer (or his representative) of a trade union if satisfied that such officer had misused, misappropriated or

mismanaged the funds or affairs of the trade union. Since provision already existed empowering union members to apply to the Trade Union Tribunal to prohibit a trade union officer from holding or controlling funds if a prima facie case of fraudulent misuse of funds was made against him (S. 52(1) Trade Unions Decree carried over from S. 51(1) of the Trade Unions Act 1970), this was a further positive attempt to protect trade unions from unscrupulous leaders.

This amendment aside, the trade unions themselves tried in vain to have some reforms. First of all, at every opportunity since the 1960's they had tried to have the Industrial Court empowered to reinstate a wrongfully dismissed worker. In AT GWU v. Messrs. U.T.C. Ltd (I.C.C. 19/1971) for instance where the respondent was found to have been wrongfully dismissed the Court had reiterated its position since the 1960's:

As regards reinstatement this Court has stated time and again that it cannot order reinstatement of any employee of any company even if he may be wrongfully dismissed. The only alternative remedy in such circumstances is to order payment of compensation and this is what is going to be done...

By 1970 however workers representatives in the LCC were citing Mauritius and Cameroon where a similar Court could by law order reinstatement (LCC 1970 : Minute 7/70). Indeed in neighbouring Kenya the Industrial Court there had been so empowered since 1971 (K. Leitner: 105) while in Tanzania such powers existed since 1967 (W. L. Kapinga: 91-103). H. M. Luande raised the issue again in 1975 following the formation of NOTU demanding a right to reinstatement by the Court in cases of wrongful dismissal (NOTU 1975: 1-2). Although similar requests/demands continued to be made and the Ministry of Labour promised the amendment (NOTU 1976 : 10) nothing was actually done about it due to continued employer opposition to it.

The second concern of the trade unions was the Workmens' Compensation Act(Cap. 197 Laws of Uganda). Due to the 1970s inflation the rates of compensation to injured workers had become meaningless. Although in 1978 the LCC agreed that the whole Act "should be amended to take care of the present situation" nothing was done about it. (NOTU 1978(a): 14). Employers opposed the amendments but apparently the main problem has been the unions' own failure to present an argued case of exactly what amendments they would like to see made (Interview, NOTU Secretariat August 1987).

The third demand of the unions concerned rights of organisation. They demanded that ILO Convention No. 87 be ratified by the Uganda government. However this was always rejected on the grounds that the Convention gives unfettered freedom to unions which would be detrimental to a developing economy. But in the same breath that the unions demanded more organisational rights they demanded a compulsory check-off system for all workers in a workplace where a union was recognised. But even in situations where a voluntary check-off already existed the union's complaint was that employers were failing to submit union dues to union HQs. NOTU demanded that "the arm of the law should be extended to those few employers who have the intention of frustrating the union by refusing to submit to them their dues" (NOTU C.1977: 4). The unions argued further than compulsory check-off systems in Kenya and Tanzania had made their union centres financially viable and able to undertake economic projects on behalf of their members. Finally they argued that since non-members enjoyed the benefits acquired for all workers by the union this amounted to a "nursing of free riders within the unions under the pretext of freedom of association"

(ibid.). The government nonetheless continued to reject the demand for compulsory check-off as it did in connection with the one for ratifying ILO Convention No. 87.

It would appear that although some of the demands by the unions for legal reform were modest for instance amendments to the Workmens' Compensation Act, the major problem after 1974 for them was that the Amin regime generally paid little heed to legal mechanisms. The 1976 amendment was a result of the Labour Minister's initiatives and was easy to implement but all demands for reform from the unions were objected to by the employees and failed to materialise or were simply ignored by the state. The LCC had become a mere discussion forum. Although implementing any legal reforms would have been difficult in itself the goodwill of the 1971-1974 period on the part of the government had disappeared and even merely putting the required amendments on the statute books became impossible. Thus the crucial element in both the creation and practical utilisation of legal rights was the character of the state.

CONCLUSION

The importance of the Amin regime in the area of trade union and trade disputes legislation was its liberalisation while at the same time the practical utilisation of this liberal law was denied. The period 1971-1974 saw a considerable liberalisation of trade union and trade disputes legislation following the UPC-Obote I attempt between 1968-1971 to incorporate the unions into the economic structures of the Move to the Left and the erosion of many union rights.

Specifically the Amin regime restored the organisational autonomy of the trade unions and made legal provisions guaranteeing a voluntary industrial relations system but including the enforcement of legal rights that employers could otherwise deny unions or workers. However the coming into being of the 1973/1974 legislation was a result of the struggles of workers and trade unions with the help of liberal civilian Ministers of Labour. The desire of the Amin regime to cultivate a social base created a favourable political context for the demands of the workers and unions to be met for the most part. This is why the autocratic and repressive elements of the Amin regime was defeated with respect to the 1973/1974 legal amendments.

The second historical contribution of the Amin regime was its re-organisation and rationalisation of the trade union movement under a genuinely unifying central federation, NOTU in 1974. Potentially at least a strong and institutionally viable structure of the trade union movement was put in place, following the enactment of Decree 29 of 1973. It was a restructuring achieved in co-operation with the trade unions and not imposed as in the case of the ULC of 1970/71.

However the achievement of liberal laws was not to be concretely realised by the trade unions due to the Economic War and the subsequent repressive character of the Amin regime. The Economic War led to a virtual collapse of industrial production, redundancies and desertions and a consequent weakening of the unions. The freeze on wages and collective bargaining between 1974-1976 exacerbated the weakening of the unions. The collapse of the industrial base and the weakening of the unions also fuelled

desertions, workers' return to the rural areas and the creation of the bayaye social class. While weak unions may still have operated at the industrial level the militarisation of industrial relations ensured that unions could not, without great risk, utilise the rights of organisation achieved or the collective bargaining mechanism even when this was eventually allowed. But precisely because the Amin regime and the new employers were dependent upon force and violence for their survival legality as a legitimating factor in industrial relations became redundant. It was equally for this reason that the dispute settlement institutions, liberalised and streamlined to some extent in 1974 became almost superfluous. Strike activity itself similarly dwindled because of the repression it encountered from the regime. And likewise the tripartite LCC lost its law reform role and union demands in this respect were ignored because law was no longer an important mechanism of dealing with trade union affairs and industrial relations generally. At best trade unionism was forced to take a low profile.

Finally the ideologies of tripartism and technocratic unionism were more systematically internalised by the trade unions mainly due to the dominance of ILO educational influence during the Amin period. The importance of this conception of trade unionism - practically unimportant under Amin - was to be more apparent in the post-Amin period. The unions' conception of themselves, their demands for law reform and participation in economic and political institutions would be permeated by the twin ideologies. But tripartism as a component part of general corporatist policies proved impracticable under Amin partly because of the economic collapse but more so because rather than relying on various forms of

political participation by civil society the Amin regime, in the latter period, was sustained essentially by repression.

In general the Amin era illustrated the point that law is a political category encapsulating the balance of class and social struggles. While between 1971-1974 the balance of these forces was in favour of a liberalisation of the law, the period 1974-1979 showed that the concrete realisation of the legal rights achieved required a constant struggle. In the former period the liberalism and openness of a regime arising from a coup and seeking to establish a social base in addition to civilian Ministers, who sympathised with a liberal view of industrial relations provided a favourable political context for the realisation of some of the unions' and workers' demands. In the latter period however the unity of the state and the new employers, in the context of a collapsed industrial economic base, pushed the workers and the trade union movement into such a weak position that they could not draw upon the legal rights won earlier on precisely because the balance of class and social forces was against them. During the Amin period therefore law proved to be mainly of a residual importance: rights of organisation predating the regime and the more positive ones created between 1971-1974 at least continued to exist and at the same time, a potentially strong, viable and centrally co-ordinated union structure was put in place.

NOTES - CHAPTER IV

1. Interviews R.W. Kasozi, S.G. NOTU August 1987; P.K. Amandrua, S.G. UTGWU, December 1987.
2. See e.g. R.W.T. Wetosi Ag. Secretary AUTUSC to G. Sec. Busoga District Administration Employees Union 6.7.1973, NOTU: ML.1 FILE (1973-1984); Voice of Uganda 2.7.1973.
3. This reason was clearly expressed by the Minister of Labour A. Mayanja in 1972, when re-opening the Industrial Court with a new President when the amendments were still being considered; Uganda Argus 20.1.1972.
4. Uganda High Commission, London: Statement issued on 9th August 1972 by H.E. The President of Uganda concerning the Status of Asian Community in Uganda.
5. On the relationship between freedom of association, trade unionism and civil liberties generally, especially as viewed from the standpoint of ILO standards, see G. Caire; 18-20, ILO 1976: 6, 135-166.
6. General repression confirmed by union leaders, e.g. P.K. Amandrua S.G. UTGWU, December 1987; NOTU Secretariat, August 1987, Musoke, G.S. Educational Union, December 1987.
7. P.K. Amandrua, G.S. UTGWU to Personnel Executive MULCO 8.3.1975, NOTU: UTG/TU/9/(1974-1980).
8. P.P. Okuku, Acting G.S., UTGWU to S.G. NOTU 16.11.1979 *ibid.*
9. P.K. Amandrua, G.S. UTGWU to the Governor Busoga Province 1.4.1977; P.S. Izo for and on Behalf of the Dismissed to the Minister of Power and Industry, u.f.s. G/M, NTB, 18.6.1977, NOTU: UTG/TU/9 (1974-1980).
10. ARML: 10; Ministry of Labour Officials, August and R.W. Kasozi, S.G. NOTU, September 1987.
11. The 1973 drastic fall of disputes brought before the Court may have been due to the confusion engendered by the Economic War.
12. Ministry of Labour officials, August 1987; NOTU Secretariat, September 1987.
13. On the distinction between workers' participation, workers' control and Workers' Councils to see R. Munck 1988: 145-162.
14. For details see M. Mamdani; 1976: 302; 1983-106; D.W. Nabudere 1980: 311-317; T. Avirgan and M. Honey 1982: 40 -41.

**CHAPTER V: THE TRIUMPH OF AUTONOMOUS TRADE UNION ORGANISATION
OVER STATE INTERVENTION 1979-1987**

INTRODUCTION

The previous chapters dealt with the socio-historical context and in particular the class struggles that led to the enactment of trade union and trade disputes legislation in Uganda and how this came to be applied or ignored in actual practice. In this chapter we shall further assess the practical application of this law between 1979-1987. In this period no changes in legislation took place and as such the legislation originating from the colonial era and the post-colonial period between 1974-1976 remains the framework of operation for the trade unions and workers in general. The period 1979-1987 however falls into two distinct political contexts. The Obote II regime (1980-1985) was distinctly repressive while the NRM government (1986-) provides a favourable atmosphere for freedom of association.

This chapter is divided into 5 sections. In section 1 we first examine the attempts by trade unions to form a Labour Party in 1980 and their failure. We argue that the economism of the trade union movement led to this failure and left the trade unions open to political interference by government and the ruling Party, UPC. Here the tactic used was similar to the 1964-1966 one, namely to split and take over the union movement by sponsoring a rival trade union centre. However because of the presence of a more determined union leadership this was successfully resisted. But because political intervention was largely unsuccessful, state repression and illegal intervention in union affairs became prevalent.

Secondly we argue that apart from political intervention leadership struggles in the 1980s both in NOTU and its affiliates were responsible, to a large extent, for the negation of union democracy and the consequent weakening of the trade union movement. This leadership struggle was fuelled by factors both internal and external to the unions.

In section 2 we contend that the economic crisis of the 1980s resulting from Uganda's collapsed economy, an adverse international economic climate and the IMF-directed economic policies led to the depression of workers' living standards to their lowest level in Uganda's post-colonial history. This in turn led to an escalation of trade disputes and strikes. But besides the economic crisis the government suppressed the Industrial Court mainly because it was feared that the Court personnel could be sympathetic to anti-government political organisations and the anti-government official trade union movement. *The economic crisis and the UPC Obote II regime's distrust of trade unions and workers thus generally coincided to make the legal dispute settlement process redundant.*

In section 3 we argue that since 1979, with the overthrow of the Amin regime, western trade union organisations especially ICFTU and AALC have, with the collaboration of the union leadership, created an environment of ideological and financial dependence on the part of Uganda's unions. Ideologically the struggle over NOTU affiliation to either ICFTU or OATUU on the one hand and the educational impact of ILO technocratic conceptualisation of trade unionism on the other have demonstrated the adverse impact of foreign unions and technocratic unionism on Uganda's trade union movement in terms of self-definition and empowerment in the struggle to advance workers' interests.

From the above, we argue, in section 4, that partly as a result of this ideological influence, that is the technocratic, tripartite and careerist conceptions of trade unionism the struggle by unions for the reform of labour laws in general has been feeble. This situation was aggravated by government's refusal to reactivate the LCC in the 1980s which left the unions to mere sporadic demands for some legal reforms.

Finally in section 5 we give a provisional assessment of the impact of the NRM government on trade union organisation for the initial period 1986-1987. The main point here is that the trade unions survived the repressive Obote II period; hence their "triumph" over state intervention. However although freedom of association has been effectively guaranteed for the first time since the mid-1970s, the ideological self-conception of the unions themselves and the NRM's lack of any specific programme for workers generally or unions in particular meant, by the end of 1987, that essentially the old labour policies and legislation, with their deficiencies continued. For the trade unions their ideological self-conception has isolated them and the working class generally from other sections of society in political terms or at best left them politically unorganised because there has been little link up or attempt to link up trade union struggles with other political and social struggles and organisations.

Our conclusion is that the character and organisational capacity of the trade unions have depended essentially upon the character of the state and the specific regime in particular. At the same time the economic crisis exacerbated the national political contradictions that were being reproduced among the workers by the regime and also led to the redundancy of the dispute settlement laws.

But at the level of the unions themselves their ideological self-conception, that is a technocratic and careerist view, in addition to the leadership struggles were responsible for both the negation of democracy in and consequent weakening of the unions. Thus although the economic crisis provided a weak material basis for a successful application of law, political factors were most fundamental in shaping the character of trade unions while on a secondary level ideological deficiencies and leadership struggles further emasculated potential union strength.

1. THE NATURE OF TRADE UNIONISM

The relationship between trade unions and government between 1979-1987 was determined mainly by the outcome of the 1980 General Election in Uganda. On the one hand an attempt by the trade union movement to draw out a political programme and even form a Labour Party was aborted by a section of the trade union leadership. On the other hand the UPC-Obote group came to power after an election widely accepted as having been rigged.¹ Although the majority of workers and trade unionists were opposed to the Obote II regime, they were not politically organised; on the other hand lack of sufficient support among the workers and trade unions, in a situation where armed political opposition to the government now existed, led the UPC government to adopt anti-union and anti-worker policies and behaviour. It is in this context that we locate the government's violation of workers' freedom of association. This violation consisted of partisan political intervention, illegal intervention or an opportunistic use of law and open repression.

(a) ATTEMPTS TO FORM A LABOUR PARTY AND THE ROLE OF ECONOMISM

In 1980 four parties contested the General Election. These were the UPC, DP (Democratic Party), UPM (Uganda Patriotic Movement) and CP (Conservative Party). The first two were parties of the 1960's while CP was a reconstituted KY (Kabaka Yekka). It was monarchist, federalist and conservative. The labour policies of UPC and DP were essentially the same. They were agreed on the concept of tripartism - that is co-operation between government, management and labour. But while DP promised "to encourage the growth of free trade unions and trade union activities", educational facilities and the re-establishment of a Uganda Labour College (DP 1980: 29-30) the UPC promised to "ensure the participation of workers in the decision-making process in their places of work", to "provide conditions under which individual workers or through their unions acquire shares in industries" and finally to "establish an autonomous corporation for the administration and management of the Social Security Fund" (UPC 1980: 38-39). The DP therefore clearly adopted the ICFTU position as demanded by the Luande faction of the union movement while UPC did not declare support for "free trade unionism" but stressed the incorporationist strategy. But since both parties were agreed on tripartism which coincided with union demands the actual specifications of the manifestoes were not very crucial. Tripartism was the central ideology.

UPM on the other hand took a more pro-worker position not only in its manifesto but in its actual composition. Although the policies on workers were not very different from those of DP and UPC UPM was actually formed with a distinct component of workers. It is this fact more than any other that made it potentially amenable to

respond to working class interests. However the working class component came in because of the trade unions' failure to form a separate Labour Party.

The trade unionists' ability to engage in parliamentary politics was made possible, we recall, due to the 1973 amendment allowing trade unionists to become MPs. Following some discussions in NOTU D. Wogute, NOTU Secretary General declared in May 1980 at a Seminar for Post Office workers that all previous governments had failed to articulate workers interests. He observed,

Many of these people have gone to power under the guise of articulating workers' interests, but on becoming incumbents they forgot the workers. How long are we to vote in people of this kind? We shall form an opposition whose stand would always be stated clearly (Uganda Times 19-5-1980).

But on the same occasion the veteran trade unionist H. M. Luande took the less radical approach and only "congratulated the Military Commission on having guaranteed the holding of the general elections under a multi-party system" (*ibid.*). But later the idea of forming a Labour Party was discussed by NOTU and its affiliate unions and a Committee was set up to study the issue closely (Uganda Times 18.6.1980).

In the meantime supporters of the anti-Amin guerilla organisation FRONASA led by Y. Museveni together with a section of the left-wing intelligentsia were at an advanced stage of forming the UPM. In the preparatory stages the Museveni group decided to call upon the workers who were contemplating forming a Labour Party to join them and form one organisation². It was at this stage that a rift developed in the labour movement. Apparently the split was essentially on allegiance to either DP or UPM - the UPC had little support in the labour movement unlike in the early 1960's. A

section of trade union leaders led by D. Wogute himself accepted to join the new UPM and D. Wogute was elected one of the Vice-Chairmen of the Party (Uganda Times 10-6-1980). Thereafter he declared that "the workers and peasants in Uganda had been neglected since independence" and hailed the UPM for having "given recognition to the workers" and "urged the workers to regard the UPM as their movement" (*ibid.*).

But the trade union faction led by H. M. Luande NOTU Chairman and J. Ssebuliba NOTU Deputy Secretary-General issued statements dissociating NOTU from D. Wogute's relationship with UPM. J. Ssebuliba argued that "no party had ever been formed by the workers of Uganda as claimed by Wogute. The workers of Uganda should note that Wogute and his followers have joined the UPM as individuals but not as workers' representatives" (Uganda Times 18.6.1980). H. M. Luande reiterated that "NOTU had never formed any Party nor authorised the formation of one". He accused "those individuals who were forcing NOTU into an alliance with UPM without the workers' mandate" of being "greedy and over-ambitious". According to him,

those concerned are newcomers in the trade union movement in this country and do not know the basics of trade unionism (and he) encouraged trade unionists to join any political party as individuals and not as a workers' organisation (*ibid.*).

Disagreements over the approach to existing political parties led to the dropping of both the Labour Party project or any attempt to adopt a common political programme for workers. The ideology of economism in trade unions, of separating trade union and political organisation triumphed. Workers were in effect being told to support the parties of the different bourgeois and petty bourgeois factions in Uganda. As a matter of fact both H. M. Luande and J.

Ssebuliba joined DP and encouraged workers to do the same. However of all the parties it was UPM which fielded the highest number of trade unionists as parliamentary candidates because a clear section of it was recognised as a working class section³.

Lack of a political programme and political organisation that united workers was to lead to the divisions among workers engendered by the UPC regime between 1981-1985. When UPC came to power after the rigged December 1980 Elections a section of UPM led by Y. Museveni declared an armed guerilla struggle against the UPC-Obote II regime in February 1981 (Y. Museveni 1986: 7; Y. Barongo 1989: 82). Several other armed groups were set up but Museveni's National Resistance Movement (NRM) and its armed wing the National Resistance Army (NRA) were the strongest. The approach of the UPC regime to the trade union movement was essentially determined by the knowledge that the movement was opposed to it and sympathetic in large measure to the armed opposition.

(b) STATE VIOLATION OF TRADE UNION FREEDOM OF ASSOCIATION

Freedom of association for workers is generally guaranteed by the Uganda Constitution (Art. 18) for the formation and organisation of trade unions and further affirmed by the Trade Union Decree 1976 (S.56, see also Cap. II: 59-60) and Uganda's ratification of ILO Convention No. 98. These statutes and the Convention provide the basis for the existence and right to operate that in principle Uganda's trade unions enjoy. In the period 1981-1985 the UPC regime however violated these clearly stipulated legal rights. Trade unions were viewed as political opposition sympathetic to the opposition parties and the armed guerilla organisations in

particular. This violation consisted of three elements: partisan political intervention and attempts to split the trade union movement and thereby subjugate it to UPC interests, illegal and/or opportunistic use of the law and finally open repression.

(i) THE DIVISIVE STRATEGY OF THE UPC OBOTE II REGIME

The method of intervention in the trade union movement adopted in 1981 was to form the UPC Worker's Council to parallel the official and legally recognised movement consisting of NOTU and its affiliates and to eventually take the latter over. The UPC Workers' Council was however to be supplemented by the other UPC organs in workplaces namely UPC Party Branches and UPC Youth Wing sections. While for the UPC leadership the UPC Workers' Council, Branches and Youth Wing were a way of minimising an all-round opposition to the regime, the leaders of these UPC organs saw them as a means of patronage through which they would be rewarded by the UPC government. *The UPC Workers' Council and the Industrial Branches* were set up by the UPC Secretariat in collaboration with some UPC union leaders the most important of whom were E. K. Hall NOTU Chairman Okot-Omara, NOTU Treasurer-General (in 1981) and D. Wogute Secretary-General of NOTU who had already crossed from UPM and joined UPC in April 1981 (NOTU 1982: Appendix "B"). Led by Okot-Omara their tactic to get the governments' support was to brand all non-UPC unionists and workers and even those UPC unionists and workers who did not agree with their politics as "bandits" - that is, those supporting the anti-UPC guerilla movements (*ibid.*).

Right from 1981 therefore the UPC with these UPC unionists began setting up all the above UPC front organs in workplaces. D.

Wogute, who had crossed to UPC was now calling upon the Minister of Labour to open UPC Branches for instance in East Africa Breweries Limited, UGIL and Pepsi-Cola (Uganda) Limited, arguing that the Minister would "boost the morale of the workers, in particular UPC workers, by officiating at these ceremonies"⁴. Increasingly UPC Branches were set up in most enterprises to counter any suspected organised opposition to the government. In NYTIL, the UTGWU Branch office was even painted in UPC Party colours to the chagrin of non-UPC workers (Observation and Interview with Branch officials, December 1987).

Thus in MULCO (alias Pamba Textiles Limited), Jinja, in 1981 the UPC Industrial Branch simply dissolved the union Branch Executive and merely informed the General Secretary, UTGWU, claiming that the incumbent officials were ineffective:

For smooth running of our Mill, the following are now Trade Union Caretakers until you organise fresh elections... (listed-JB).

...the UPC as a policy-maker advises you to confirm the above men to represent the Trade Union until you organise fresh elections⁵.

At UGIL, Kampala, the UPC Branch first suspended the union Branch Secretary because "he was opposed to (UPC) and is parallel to its aims and objectives, something which would eventually divide the workers"⁶. A month later the UPC Branch also simply dissolved the union Branch Executive and wrote to NOTU:

This is to advise that owing to the direct sabotage done by the officials of union UGIL Branch the UPC UGIL Branch decided to dissolve the whole Union Branch. You already know that the union officials of this firm are working for the downfall of UPC UGIL Branch⁷.

Similar unconstitutional replacements of elected Branch union leaders took place at ATM, Mbale and NYTIL, Jinja with the UPC Branches "conducting elections" (NOTU 1982: Appendix "C").

In other enterprises however the UPC organs simply split the unions especially where union leaders also happened to be UPC Party members. This was more problematic for the Party because there was no need to supplant such union leadership. Intra-UPC contradictions were simply being replicated in the trade unions. Such was the case in Uganda Railway Workers' Union (URWU).

Due to power struggle between the Kampala URWU Branch and the national URWU leadership (for details see infra: 298-300) the UPC Workers' Council in URC (Uganda Railways Corporation) took sides with the Branch. Matters came to a head in the 1984 Quinquennial General Meeting for Kampala URWU Branch in which the Workers' Council and union Branch leaders "demanded open elections of voters lining up behind the candidates" (URWU 1985(a): Min. No. 2/HQ/NEC/85). As the National Executive Committee (NEC) refused this, insisting on the constitutional secret ballot (Art. 8(a) URWU Constitution) commotion ensued and as a result no elections were held. Subsequently the NEC under Art. 12(1)(e) of URWU Constitution suspended the Branch for infringing the constitution (URWU 1985(a): ibid.).

In fact although the majority of URWU national leadership were UPC members they strongly opposed the UPC Workers' Council. Early in 1985 for instance the URWU President, a UPC member, clarified URWU position on the anti-union Party organs:

the UPC Workers' Council had declared a full-fledged war against the union... and he wondered why such a group had been left at large to cause breach of peace to the workers in the Corporation, which was, even against the law without any action being taken against it by the authorities concerned (ibid. Min. No. 1/HQ/NEC/85).

The Managing Director of URC equally denounced the Workers' Council as "some few wrong elements within the Corporation who were masquerading as representatives of workers on a UPC ticket with ill-intention of disrupting not only the Corporation services, but also whatever had been achieved for the workers" (URWU 1985 : 10). Finally even the Deputy Minister of Labour deplored the divisive role of the UPC Workers' Council in the Corporation and suggested that the union and the Council should play their separate roles positively (ibid: 11).

However although the UPC Secretariat supported the Workers' Council the UPC regime as a whole was more interested in having union leaders that were not anti-government. The survival of the URWU leadership thus partly became dependent upon intra-UPC contradictions.

In the event the UPC Secretariat and sections of government maintained support for UPC organs. UPC sycophancy amongst the workers was constantly encouraged. A. Lobjidra, Secretary for Mobilisation at the UPC Secretariat, for instance could address union leaders in these terms:

at present UPC means Obote and Obote means UPC for he is second to none and not even a single Minister can succeed Obote. He is the symbol of UPC. Without Obote hence UPC there is no Trade Union Freedom. So how can the Trade Unions function without Obote, hence UPC⁸.

But the trade union leadership and membership for the most part resisted supporting UPC. The majority of both the leadership and the membership were anti-UPC. Of the 15 trade unions in Uganda 11 had General Secretaries and other officials, in the majority, supporting either UPM or DP (NOTU 1982: Appendix B, supra). Indeed in 1982 D. Wogute was voted out of office at an Extra-Ordinary General Meeting for his dictatorship and pro-UPC stand. He was

accused of suppressing NOTU organs, the FAGPC (Finance Administration and General Purposes Committee), the Education and Scholarships Committee, misappropriation of foreign donations and above all failing to call the Annual Delegates Conference between 1979-1982 (NOTU 1982(a): Minute 7/4). And though not mentioned openly the union leaders were also against D. Wogute for his "opportunistic crossing" from UPM to UPC (Interviews, NOTU Secretariat September 1987). S. A. Okolimong was then elected Acting Secretary General. He was an original member of UPC and trade unionists had been pressurised behind the scenes to elect a UPC supporter. Thus when elected he openly stated that "he was a Congressman (UPC member) and... promised to take care of UPC interests and... that his administration will set a good example" (NOTU 1982(a): supra, Minute 9/4). Besides, the unionists preferred such an S.G. to protect the non-UPC union leaders (Interviews, supra). A few months after the removal of D. Wogute his supporters E. K. Hall and Okot-Omara were also removed from office by the NOTU CGC (Central Governing Council) and replaced by E. Katuramu and P. Katabulingi as Chairman and Treasurer-General of NOTU respectively (NOTU: 1982(b): 10).

The ability of the majority of the trade unions to avoid being overrun by the UPC organs was greatly assisted by divisions within UPC vis-a-vis the trade union movement. From 1982 onwards a split developed within the UPC on how to deal with a hostile trade union movement. Some Ministers and other UPC leaders openly opposed the UPC Workers' Council while others argued that it should take over the union movement and supported the harrassment and imprisonment of leading anti-UPC unionists. This created great tension amongst

workers. Thus in 1982 a leading UPC figure and Chairman of the Uganda Railways Corporation Board of Directors was appealing to the UPC Secretariat to formulate a guideline for the Council and UPC Branch leaders on the one hand and the trade unions on the other "to avoid confusion and interference between the two" while the Managing Director and also leading UPC member A. Ejalu argued that the UPC Branch "would be used to advocate the principle of unity" (Uganda Times 4-2-1982).

However tension continued. And soon support for the official and legal trade union organisations came from the Attorney-General/Minister of Justice who ruled that the UPC Workers' Councils had no constitutional basis within UPC itself and no legal status in Uganda. He argued that they were mere ad hoc bodies of the Party:

The Councils cannot fit into categories of charitable or other social and sporting organisation such as are registrable with the Registrar-General, Ministries of Culture and Community Development and Rehabilitation. Nor under Trade Union laws which are non-partisan.

In short if the Councils decide to operate independently of the Party Branches, they will find some problems at the Party end and interaction with non-Party organs such as NOTU⁹.

In spite of this ruling, both the Councils and Party Branches were maintained. Thus A. Lobidra of the UPC Secretariat while addressing UPC workers in Jinja later on acknowledged that opponents of UPC viewed the Party Branches as "spy centres" and that "deliberate and sustained efforts to bar UPC from industries were made by management cadres who manifested political feelings hostile to UPC" (The Worker, No. 2 November 1983). Again while the Minister of Labour and his Deputy, A. Butele and H. Tungwako respectively, opposed the UPC Workers' Council and its anti-trade union activities, the UPC Workers' Council equally took an anti-Ministry

of Labour stand because of the latter's general support for the official and legal trade union movement. By 1983, even S. A. Okolimong the Acting S.G. of NOTU and a UPC partisan himself had joined the rest of the anti-UPC Workers' Council unionists and unreservedly condemned the Councils' activities. Thus he wrote to the Deputy Minister of Labour condemning the Council leaders who had carried placards against the Deputy Minister on May Day. He stated:

NOTU viewed this kind of behaviour with serious concern because this body has proved to be destructive and as such Government ought to do something to correct this irresponsible behaviour... NOTU categorically denounces and condemns the Workers' Council and its activities... (and) dissociates itself from all Workers' Council activities calculated to cause enmity among the workers¹⁰.

In 1984 during the organisation for May Day celebrations the Ministry of Labour had insisted on inviting only 1000 workers selected by NOTU and its affiliates for the reception and sought to exclude UPC partisans from the parades. However the UPC Secretariat prevailed upon the Ministry to give the assurance that "all UPC Industrial Branches from the country are free to march under the banner and colours of the UPC Party" and the Minister of Labour was then compelled "to issue a circular to all management of industries to refute the allegations that the UPC were not to participate in the parade" (NOTU: 1984). In NOTU the consensus about all UPC front organs was stipulated by the NOTU Chairman, E. Katuramu, in 1984.

He declared:

On political platform NOTU recognises the UPC Industrial Branches and we do not recognise the "Workers' Council" because of its bad motives calculated to cause divisions among the workers. We shall continue to do everything possible to unite all the workers of Uganda for the purpose of upholding the banner of solidarity which tells us that we should think together, do things together, be responsible together and when time comes for us to sink we shall sink together¹¹.

Thus the failure of the UPC Workers' Council to take hold in the trade union movement was not simply a result of the majority trade unionists' refusal to be split for the sake of advancing the partisan political interests of the insecure UPC regime. It was also a result of the support they were given by some UPC leaders, in particular the Ministers of Labour themselves, especially against the UPC Workers' Council and above all, the Attorney-General's ruling.

(ii) GOVERNMENT NEGATION OF UNION DEMOCRACY

Although the government's attempt to split the trade union movement using the UPC Workers' Council generally failed with only a few Party Branches taking over some union Branches (e.g. *supra*: 271-'4). it did not thereby stop interference in union affairs. Instead it sought to influence the election of NOTU and its affiliates' leadership. This resulted in the government's prohibition of union Quinquennial and Annual Delegates Conferences as long as it was not assured that pro-UPC leaderships would be elected. To this end both illegal methods and opportunistic use of law were resorted to.

Following the election of S. A. Okolimong as Acting S.G. of NOTU in 1982 it was expected by unionists that a proper NOTU Delegates Conference would be held to elect NOTU officials especially as the Chairman and Treasurer-General had also been replaced on an acting basis. Later, August 1982 was decided upon for a Delegates Conference. But suddenly in July 1982 NOTU officials and staff, including the S.G. were arrested (for details see *infra*: 284-286). As a result the ADC could not take place.

Instead as the S.G. reported to the CGC in October "the understanding reached in the President's office and your (CGC) recommendations at the last Council meeting (was) that NOTU should continue to make consultations with the relevant authorities". When he consulted the authorities on the issue of holding the ADC he was "advised to advise (the CGC) that the holding of the Delegates Conference should be postponed until the necessary consultations are finalised" (NOTU 1982: 18-19).

Meanwhile with respect to the NOTU affiliates the government had also suspended elections. The Ministry of Labour even wrote to union branches prohibiting elections. The Deputy Minister of Labour thus wrote to NYTIL:

recently a Ministerial decision was taken to the effect that no trade union or NOTU should carry out elections until further notice. The union should therefore not go ahead with the proposed branch elections¹².

Apparently the "understanding reached in the President's office" referred to above had something to do with ensuring that NOTU was UPC-led (Interview NOTU Secretariat, September 1987). This "understanding" was not implemented and the union leaders later decided to hold the 3rd Quinquennial Delegates Conference (QDC) on 17th March 1984. However the Minister of Labour again stopped it and ordered its postponement "until further advice" (NOTU: 1984(a)). But a CGC meeting took the view that "Okolimong had colluded with the Minister to put off the Delegates Conference" to keep himself in power (*ibid.*). And even the Acting Chairman of NOTU E. Katuramu "reiterated that he vowed not to be party to any delay of the Delegates Conference" and for that reason resigned from the NOTU Secretariat "with immediate effect" (*ibid.*). The CGC then demanded

the resignation of the Acting S.G. himself but he was adamant; instead, eventually, a 10-man delegation was appointed to meet the Minister and discuss the issue with him.

In the meeting between this delegation and the Minister of Labour the union leaders bluntly accused the Ministry of imposing unwanted leadership on NOTU and the workers since no proper elections had been held since 1979 and as NOTU leaders since 1982 had only been acting. Both the Minister and the Registrar of Trade Unions first gave legalistic reasons for postponing the NOTU Conference, namely that the affiliate unions must first have their ADCs, pay all their subscription arrears to NOTU and also maintain "the understanding reached in the President's office". The Registrar then "reminded" the unionists of the legal requirements to hold ADCs (S.26, Decree 20/1976, to send annual returns (S.48) and the Minister's power to request any information (S.16)). The Minister then "directed the Registrar to make sure that all unions were up to date in their contributions to NOTU and that the Trade Union Inspector of Books must ensure that the law is followed before NOTU Delegates Conference is held". Without much discussion he finally "declared that he was not going to succumb to any pressure whether internal or external and that if the unions fail to fulfil the conditions he set, he will dissolve the unions and appoint Caretaker Committees" (NOTU: 1984(b)).

Later the affiliates of NOTU were officially allowed to hold their ADCs but NOTU was to hold its ADC after the affiliates ADCs and no union with arrears to NOTU would attend the NOTU ADC¹³. But by the time of the July 1985 coup which overthrew the UPC-Obote II regime the majority of the unions had not held their ADCs nor had

NOTU. These ADCs and QDCs were to be held by all the unions from 1986 onwards after the NRM/NRA took over in January that year.

Two points stand out clearly from the above. Although the Minister of Labour had no power to stop the holding of trade union ADCs and QDCs he did illegally stop them. Secondly he and the Registrar argued correctly that affiliates of NOTU must first pay their arrears (26 months arrears without good cause meant the dissolution of the affiliate, while thirteen weeks arrears disentitled the affiliate from attending NOTU meetings) (NOTU Constitution Art. 5), that they should send their annual returns to the Registrar and so on. But this insistence that trade unions follow their constitutions and legislative provisions was only opportunistic so that failure to follow the law could be used by the Ministry to impose its wishes on the unions. In fact the motivation behind this belated concern with legality and constitutionality was the desire to concretise "the understanding reached in the President's office", namely that NOTU and its affiliates should be UPC-led.

Indeed in general the enforcement of law by the Ministry of Labour did not take place and the union leadership carried on unsupervised by the membership as Annual Delegates' Conferences (ADCs) and Quinquennial Delegates' Conferences (QDCs) had been suspended. In particular annual returns were neither made nor sent to the Registrar of Trade Unions by most unions. In 1982 for instance the Labour Commissioner wrote to all the unions, repeating a 1981 demand, that all unions should update their membership figures (returns) adding that "this particular circular will serve as a warning to those unions who (sic) have not submitted the

information to us and in any case it might be taken to mean that you do not have the right qualifications"¹⁴. In fact some unions like the Building Union confirmed that at times their membership fell below the requisite 1000 (S.73(1) Trade Union Decree 20/1976) which was never reported to the Ministry nor did the Ministry check (Interview, Building Union Officials, September 1987).

As far as annual returns were concerned, that is the audited balance sheet and changes of officers and in the union constitution (S.48 Decree 20/76), these were hardly complied with either by most trade unions. Towards the end of 1984 the Ministry of Labour apparently under S.49 of the Trade Union Decree ordered its Senior Industrial Relations Officers "to inspect all trade union membership Registers and ascertain the paid-up membership of each Trade Union and their areas of jurisdiction and their individual accounts". Further the requirements of sections 46-49 of the Decree (on requirements that proper accounts books be kept, that audited accounts be presented to the ADCs and furnished to the Registrar) were to be emphasized to all the unions¹⁵. It is not clear whether this inspection was carried out. What is clear is that most unions sent no annual returns to the Ministry between 1979-1985¹⁶.

The main reason why union accountability as required by union constitutions and the Trade Union Decree never took place was the suspension of union ADCs and QDCs by the government. And although civil servants in the Ministry of Labour appear to have attempted to enforce some of the legal requirements that may have ensured a minimum level of accountability, this was feeble. But above all accountability was hardly possible since ADCs and QDCs are central to the union memberships' ability to oversee the leaders' running of

union affairs. Without these meetings the union leaders were left to their own devices: no approved budgets, no approved policies and, instead, concentration on leadership struggles especially with UPC agencies.

Thus from 1979 to 1986 neither the ADC nor the QDC of NOTU nor those of the majority of the unions were held due to political interference. Attempts by civil servants of the Labour Ministry to enforce aspects of the law were hampered by the fact that the major meetings of the unions were suspended for a long time. What the UPC strategy achieved was only to keep unmandated leaderships in the unions and constant tension in the union movement. However the tactic of dividing workers using the UPC Workers' Council and other UPC front organs did not succeed and non-UPC unionists resisted incorporation into the UPC. Freedom to hold meetings and elect leaders of their own choice was to come back to the trade unions only after the NRM came to power.

(iii) REPRESSION OF UNION LEADERS AND WORKERS

Finally aside from actual interference in union administration the UPC regime arrested and detained both union leaders and workers merely suspected of political opposition. Although under the Public Order and Security Act 1967 (No. 20/1967) preventive detention for periods which are renewable is legal many unionists were neither held under this law nor charged with any specific offence. The main reasons for the arrest, torture and imprisonment of workers and trade unionists was the assumption that they supported the armed struggle against the regime which the government called "banditry". Here the aims of the UPC Workers' Council leaders coincided with

those of the government. The former used the unionists' or workers' anti-government stand against them in the struggle for union leadership of the workers generally while the latter used the Council as much as the other party organs to keep itself informed of the level of political opposition among the workers.

A few examples will suffice. In 1982 the leadership of the Postal Union were arrested on allegations of "instigating a subversive strike to cause economic sabotage and to overthrow the Government without going to the bush" (NOTU 1982: Appendix "B": 4) For the same reasons, leaders of the Education Union and 12 workers at the Kakira Sugar Works had been arrested and detained (*ibid.*). Again in 1984, 35 workers at Kakira Sugar Plantation were arrested by soldiers from Magamaga Army Barracks on the allegation that they had "connections with banditry activities". Their trade union NUPAW and NOTU protested their innocence. Although a few were released the others were not, though no charges were brought¹⁷. In the same year J. Mbaziira NOTU Trustee and J. Kangavve, Organising Secretary of NUCMW(U) were arrested by the intelligence unit NASA (National Security Agency) but no charges were brought against them¹⁸. Although Kangavve was traced and found alive in prison, J. Mbaziira has never been seen alive again (NOTU 1986: 7-8). In fact aware of the political motivation behind the detentions the Ministry of Labour obliquely divested itself of responsibility:

I would strongly suggest that cases of this nature have to be handled with great care as normally the motives behind the arrests are not clear¹⁹.

However the most revealing incident regarding the UPC government's rejection of trade unions and leaders independent of it

was the arrest of NOTU officials and staff and some other workers in July 1982. The background to the arrests lay in the UPC Workers' Council leadership contest with the official and legal union movement. When D. Wogute, E.K. Hall and Okot-Omara were removed from NOTU leadership at the beginning of 1982 they made the UPC Workers Council their medium of struggle against the unionists who opposed UPC interference in the trade union movement. Earlier on in fact because this faction felt insecure and in the minority it had used the legalistic device - because of some unions being in subscription arrears to NOTU - to declare 9 of them non-existent (See NOTU Constitution, Art 5(2)) and purported that NOTU had taken trusteeship of them²⁰. But the Ministry of Labour refused to accept this move as did the unions concerned. Further, on various occasions the same faction accused the top union leaders of the same 9 unions and even some senior Ministry of Labour officials who supported non-partisan unionism of being "bandits" (NOTU 1982: Appendix "B" op. cit.: 4).

It was in this context of struggle between the ousted Wogute-Okot-Omara-Hall faction and the incumbents of NOTU and most of its affiliates that the former in collaboration with the UPC Secretariat and a section of the Army organised the arrest of NOTU officials, staff and a number of workers in July 1982. The allegations against them were political: 1) that NOTU had recruited 19 people and sent them to Kenya and Libya to train and join "Amin's men... to come and overthrow the Government of Uganda"; 2) that one J. Kalema had been sent to Italy to negotiate for arms which had already arrived in the country; 3) that although the Acting Secretary General of NOTU S.A. Okolimong had been advised "to stop working with DPs and UPMs

in NOTU", he had refused to do so; and 4) that the 14 July 1982 meeting in NOTU at which the arrests took place was for the distribution of arms "to start fighting the elected Government of Uganda".

These allegations were all found to be false. With respect to the political affiliations of UPC unionists the Secretary General could do nothing about it especially as they were the majority. What is even ironic is that the meeting was actually supposed to discuss "the proposed crossing of some General Secretaries into UPC which was going to take place on 30.7.1982" and "to check on the promises which some union leaders had made in April that they should be given time to think about it". More revealing even is the fact that the meeting was also supposed "to discuss the proposed line-up of candidates for the forthcoming NOTU Elections in August 1982" (NOTU 1982: Appendix "A": 1-2). The unionists were detained and tortured at Mbuya Military Barracks. Although they were later released, they were never charged with any offence.

The point here is that the refusal of UPC to accept that it had failed to command a dominant role within the trade union movement and among the workers generally and its creation of the UPC Workers Council, the Party and Youth Wing Branches had created room for the UPC partisan unionists to trample upon other unionists' and workers' freedom of association. It was the lack of legitimacy of the UPC regime and UPC front organs among the workers that led the UPC to discard many of its pretensions to legality with respect to the trade union movement.

Compared to the 1960s where the unions were gradually being incorporated into state institutions especially under the Move to

the Left Strategy (1968-1971) in the 1980s the trade unions successfully resisted being used as the mouthpiece of the ruling Party. They were even able to pass resolutions "in honour of the arrested trade unionists", to demand the release of those "whose whereabouts remained unknown following similar arrests" and also to condemn "violence in the trade union movement". Finally they openly declared that they sought to uphold "personal freedom and individual rights" and "the democratic character of Trade Unionism"²¹. And unlike under Amin when trade unionists and workers had no link to organisations seeking to remove Amin, some trade unionists and workers appear to have maintained some contact with the anti-Obote guerrilla movements especially the NRM/NRA of Y. Museveni²². These contacts however were on an individual basis. The NRM itself also claimed to have some cadres in industries who, without causing permanent damage, were supposed to sabotage production in other ways²³. However this claim is not borne out by any evidence. Any relationship between the NRM/NRA and the workers or trade union leaders between 1981-1985 could only have been very limited. This is also vindicated to some extent by lack of policy specifically dealing with working class affairs in the NRM Ten-point Programme (see *infra*: 346).

(c) LEADERSHIP STRUGGLES, NEGATION OF DEMOCRACY AND WEAKENING
OF UNIONS.

Apart from state intervention in union affairs it was the prevalence of leadership struggles within the unions that aggravated the disorganisation of the unions and weakened them even further. These struggles with state intervention added up to negate such

union democracy as the union constitutions and legislation sought to uphold. Further, this negation of union democracy was also in some respects encouraged or funded by foreign trade unions intent on furthering their own image or objects within Uganda's unions.

Before analysing the character of the leadership struggles it is important to point out that the basis of these struggles are the benefits enjoyed by union leaders. First, at the time of independence many trade union leaders saw trade unionism as a launching pad into politics or as a means of forming patron-client relations wth political leaders as happened in the 1960s (Cap III). Under Amin such relations were not possible but in the 1980s the 1960s situation was partly revived. Secondly, vocal or militant union leaders are often promoted in order to neutralise them and some unionists saw leadership as a helpful step in this connection. Thirdly, the union itself possesses material and financial benefits: scholarships, trips, allowances, union assets like cars, economic projects and other property which many union leaders tend to put to their personal use. Fourthly, union leadership creates power - leaders negotiate with employers, their role in trade disputes is reported in the press, they deal with government and political leaders and are often in the limelight. Fifthly union leaders have also tended to forge personal or client relations with managements which also explains their tendency to moderation compared to the rank and file²⁴. Finally and probably more fundamentally these struggles exist because of the paucity of jobs - a reflection of an underdeveloped economy. Union leadership is one of the more materially beneficial jobs especially at the national level in this situation. All these factors point to the vulnerability of union

leaders compromising with government or management for personal benefit thus weakening the unions by undermining their autonomy.

But whereas the above constitute the raison d'etre for leadership struggles, these struggles may take various forms. R. Sandbrook is of the view that in Africa two forms of union cleavage have been occupational status and ethnicity (R. Sandbrook 1975: 94). In Uganda R.D. Grillo in a study of RAU(U) concluded that occupational differentiation did not provide a basis for cleavage in the union while ethnicity did to some extent (R.D. Grillo 1969: 306-308; 1973: 156-176). We shall argue here that in Uganda in the 1980s cleavage in unions essentially took the form of politically-inspired factionalism. Although this may in turn be a reflection of the political differences in Uganda which were partly based on ethnic differences, the latter element was only secondary and derivative. What actually mattered most were the political differences.

We shall use examples from two unions to illustrate the above points for the period 1979-1987. These are UTGWU and URWU.

(i) UTGWU

In UTGWU (Uganda Textile and Garment Workers' Union) leadership struggles began immediately after the fall of Amin in 1979. This struggle was sparked off by D. Wogute the new NOTU Secretary General. Immediately following his election in 1979 D. Wogute launched a campaign against some senior trade unionists whom he considered threats to his position mainly because he had just returned from exile. He began by suspending P. Amandrua, General Secretary, and A. Ssejumba Treasurer of UTGWU respectively on the allegation that they had, between 1978-1979, improperly advanced and

loaned themselves union money. The NOTU Central Governing Council (CGC) suspended them from their posts on 22 September 1979²⁵. It was also in this context that NOTU purported to dissolve 11 of the 16 Uganda unions affiliated to it and take trusteeship of them on the grounds that they had failed to pay their contributions to NOTU in time²⁶. Although this general dissolution was successfully resisted by the concerned unions, the suspension of P. Amandrua and A. Ssejembba was maintained pending investigations.

In the meantime the Caretaker leaders of UTGWU hurriedly convened a Delegates' Conference and P. Mutete and D.W. Musekura were elected Secretary General and Treasurer respectively with S. Batumbia as new Chairman on 12 November 1980²⁷. However in 1982 the NOTU Disciplinary Committee which had investigated the allegations exonerated the two leaders and recommended their reinstatement²⁸. The Mutete faction opposed this decision and applied for a High Court injunction to restrain the Amandrua faction from resuming their positions. But P.Amandrua successfully had the injunction lifted²⁹. Subsequently further struggles ensued between the two factions in which the Mutete faction used security personnel to physically throw the Amandrua faction out of office. Eventually however the District Commissioner, Jinja assisted to reinstate the Amandrua faction early in 1984³⁰. The struggle for leadership, however, continued.

It should be pointed out here that in UTGWU in particular the leadership struggle was fuelled by foreign union support for the Mutete faction. This in turn encouraged some of the leaders to act unconstitutionally or illegally as they came to regard their foreign sponsors as their constituency more than the union membership. The

most outstanding impact of foreign unions in this case was the support that ITG & LWF (International Textile, Garments and Leather Workers' Federation) and in particular its General Secretary C. Ford, and the AALC. In 1982 the ITG and LWF and the AALC had offered to run a seminar for UTGWU at Mutete's request though, it seems, NOTU refused to sanction it because Mutete had not made the request through NOTU³¹. Further, on a number of occasions, without NOTU approval and against government policy, Mutete sent UTGWU unionists sponsored by the AALC to the Afro-Asian Institute, Tel-Aviv, Israel³². Again after his removal from office in 1984 Mutete attended seminars in Egypt and Israel organised by ITG and LWF on behalf of UTGWU. He was sponsored by ITG and LWF when he was no longer UTGWU leader and the Vice-Chairman, K.A. Newton who had been nominated by the union could not go³³.

Finally no sooner was P. Mutete removed from UTGWU leadership than C. Ford found him a job as ITG and LWF representative in Zimbabwe³⁴. Then in 1986 prior to UTGWU elections at its QDC, P. Mutete came back from Zimbabwe and together with S. Batumbia and supported by ITG and LWF launched a leadership campaign. ITG and LWF had provided Mutete with finances to organise seminars for UTGWU. In fact P. Mutete himself wrote the letter of UTGWU before the UTGWU elections (while ITG and LWF Representative in Zimbabwe):

... the ITG & LWF has directed its African Representative currently based in Zimbabwe to come to Uganda and run a number of Trade Union Seminars in your union starting May 1986. The Representative's tasks will among other things include the funding and accounting of the ITS funds, co-ordinating the Seminars and in co-operation with your Education and Organising Secretary, draw up the Programme for the Seminars targeted at all Branch officials and Chief Shopstewards (emphasis-JB). N.B. The success of these Seminars will no doubt influence future donations to your union from the ITG & LWF, Bruxelles³⁵.

The aim here, according to the Amandrua faction and NOTU which took an independent line on the issue, was for Mutete to use the seminars to meet and bribe supporters for the forthcoming elections³⁶. In the circumstances UTGWU decided to postpone the seminar until after the elections.

Nonetheless P. Mutete came and contested the UTGWU General Secretaryship on 16 July 1986 and was defeated by P. Amandrua³⁷. But because of the personalised relationship between the Mutete faction and C. Ford of ITG and LWF the educational assistance and seminars promised to UTGWU were now cancelled because the leadership favoured by ITG and LWF had been defeated, let alone democratically. Indeed ITG and LWF now raised a new issue: it accused UTGWU of affiliation to the "communist WFTU" which was untrue³⁸. Although by the end of 1987 C. Ford was still trying to intervene on behalf of the Mutete faction by appealing to President Y. Museveni³⁹ the issue of the Mutete faction's defeat was closed as far as unionists in Uganda were concerned and appeared to concern only the foreign constituency of the Mutete faction.

Apart from foreign patronage another impetus for leadership wrangles has been the personal gain of union incumbents and institutional assistance to the unions from managements. This may explain the moderation of union leaders in trade disputes vis-a-vis rank and file militancy (e.g. infra: 319). In the textile industry patronage usually took the form of cloth for UTGWU leaders to sell. Between 1981 and 1983 when P.K. Mutete was UTGWU leader he often requested for bales of cloth from NYTIL management to sell and finance his family obligations⁴⁰. Even when P. Amandrua took over in 1984 the same practice continued⁴¹. Apart from the personal "assistance" that management gave to union leaders, management even

funded some union activities. Thus NYTIL management donated 30 bales of cloth to UTGWU to sell on the open market and finance its 1986 Quinquennial Delegates' Conference (QDC)⁴². Similar practices took place in other unions such as URWU (see infra:301).

The leadership wrangles in UTGWU engineered by D. Wogute in 1979 but kept alive mainly by ITG and LWF was detrimental to the union and its membership. In 1979 after NOTU suspension of the Amandrua faction D. Wogute wrote to all textile enterprises where UTGWU was recognised advising them "not to conduct any union business...until advised otherwise by this (NOTU-S.G.) Office"⁴³. Thereafter during the Amandrua-Mutete conflict between 1982-1986 managements refused to pay union dues and even to negotiate especially before Amandrua's reinstatement in 1984. Thus Uganda Bags and Hessian Mills Limited (UB & HM Limited) bluntly refused to negotiate when the Chief shopsteward made proposals for new terms and conditions of service because, the General Manager argued, "we do not know at present the General Secretary of the union with real authority with whom we can sit and negotiate..."⁴⁴. When P. Amandrua was reinstated S. Batumbia and P. Metete wrote to all General Managers advising them not to pay union dues⁴⁵. Some managers took advantage of this confusion and refused to pay as per check-off agreements⁴⁶. Finally, in the various disputes in the textile industry at the time the shopstewards and membership were also left on their own as in the Lira Spinning Mill strike of July 1984. Although by the end of 1984 P. Amandrua had re-established himself and most managements were paying union dues and willing to negotiate, the union had been financially and organisationally weakened.

(ii) URWU

The leadership struggle in URWU (Uganda Railway Workers' Union) in the 1980s provides a microcosm of almost all the factors that affect the operation of both statutory and union constitutional provisions that are meant to guarantee democracy in any trade union in Uganda. Unlike in UTGWU for instance the provisions of URWU Constitution were very crucial, not simply in the way they were used but how they were being changed in the course of the struggles. In UTGWU factors external to the union like foreign support and NOTU leadership strategies seem to have been more crucial in sustaining the leadership struggles; and the union constitution was being used without manipulation. In URWU however, factors external to the union seem to have been as important as those internal to it, mainly the provisions of the constitution themselves. The form of conflict in URWU revolved around local political and personality struggles while the foreign element in the struggles, though present, was peripheral. Nonetheless the foreign element was being strengthened as one of the weapons in the intra-union struggles.

To understand the intra-union struggles in URWU it is important to outline some of the constitutional provisions pertinent to that struggle.

The highest body in the union is the Quinquennial Delegates' Conference (QDC) at which the national leadership is elected (Art. 8(f), URWU Constitution). Prior to each QDC each union Branch holds its QDC too (Art 12(1)(c)). Below the QDC is the Annual Delegates' Conference (ADC) which is the "supreme authority of the union" (Art 8(1)(a)) because it is the policy-making organ which also ratifies/rejects all decisions taken in the course of the year by

the national leadership (ART. 8(1)(e)). National officers consist of the President, General Secretary, Treasurer and their Assistants and three trustees (Art 4(g)). Each branch also has a Chairman, Secretary and Treasurer and their Assistants (Art. 12). All elections, voting for the amendment of rules and other matters are by secret ballot (Art. 8).

Below the ADC are three union organs: the National Executive Committee (NEC), the Finance, Administration and General Purposes Committee (FAGPC) and the Cabinet. The NEC consists of all the national officers, the three trustees and one representative from each registered branch of the union (Art. 9(a)). It has powers to suspend or dismiss any officer or employee of the union (clerks and substantive Secretaries: the Administrative, Organising, Education, Economics and Research Secretaries (Art. 7)) subject to appeals to the ADC. In practice this leaves all power in the hands of the only full-time elected officer, the General Secretary who works with the full-time appointed employees.

Below the NEC is the FAGPC which consists of the national officers plus 6 members elected at the QDC (Art. 10 (a)). But this Committee acts only when asked and on matters referred to it by the NEC. Otherwise it deals exclusively with financial matters (*ibid.*). If the FAGPC fails to meet twice, the General Secretary (G.S.) is empowered to convene the Cabinet whose quorum is only four members, or the NEC itself may deal with the matter in question (*ibid.*). So, constitutionally the FAGPC is easily dispensable and four members of the Cabinet may determine issues supposed to be dealt with by 12 members of the FAGPC.

The NEC is also empowered to suspend a Branch for refusal to carry out the rules, decisions or resolutions of the delegates' Conference or the NEC or for deliberately infringing Constitutional provisions (Art. 12(1(e))).

The smallest organ is the Cabinet which consists of all the national officers and the three trustees. Its function is "to carry out the day-to-day business of the union and deal with matters that the FAGPC is entitled to deal with" (Art. 10(b)). In short the Cabinet is the FAGPC without the six elected members who are not officials.

The URWU Constitution has several authoritarian potentialities which as we show below were manifested in the 1980s leadership struggles. First of all the ADC is composed of the national officials and three delegates from each registered branch of URWU, namely "the top three Branch officials of the union or their Branch Representatives appointed by the Branch Executive Committee" (Art. 8(1)(c)). But as the election of the Branch Executive at the Branch's QDC is "convened and supervised by the Cabinet" the whole electoral exercise can be manipulated by the Cabinet. Secondly unlike some other unions, the ADC is composed only of officials and has no direct representatives of the rank and file. Thirdly, the role of the Cabinet at the Branch level is a 1980s innovation brought in to deal with recalcitrant branches. So long as the Cabinet can ensure that its supporters become the Branch leaders all union decisions at any Conference will be rubber stamps of the Cabinet decisions. This control of who constitutes Branch delegates and the matters to be dealt with by the union Conferences is possible also because the names of all Branch delegates and matters

for discussion must be submitted to the General Secretary 21 days before the ADC date (Art. 8(d) & (g)). This may be used to remove unwanted delegates or issues. Quorum for the ADC is $\frac{2}{3}$ of the members entitled to attend and vote (Art. 8(a)).

Two issues around which leadership struggles revolved and in which the national leadership used the constitution to act undemocratically were the 1985 leadership elections at the QDC and the suspension of Kampala Branch followed by the expulsion of the Branch Executive.

The last QDC of URWU had taken place in 1979 (URWU: 1981: 4) and the next one was due in 1984 but did not take place due to leadership struggles and the 1984 strike in particular (see infra:318-'20). However although the UPC Workers' Council existed in URC the UPC government did not interfere with the QDC of URWU since URWU leadership was essentially UPC. Besides in 1984 all unions had been theoretically allowed to hold their ADCs and QDCs (supra:280). URWU was one of a couple of unions that held their ADC/QDC in 1985. The crucial point about this QDC was that the NEC was able to bribe the delegates and stage-manage the elections. The small composition of the Delegates' Conference appeared to provide room for this as the ADC/QDC, composed of the NEC and representatives from the 11 branches of URWU, added up to only 42 delegates.

Several months before the QDC of 1985 the NEC had decided that

before holding the forthcoming QDC after organising all the Branch elections, the union would undertake to buy one suit and a briefcase for each delegate including the National Officials of the Secretariat (URWU: 1984: Minute No. 98/CBT/MTG/84).

Not only was this done but the delegates were accommodated in the most expensive hotels (Colline and Speke Hotels), bought shoes

and paid sumptuous allowances with union money⁴⁷. Armed with these bribed delegates at the 1985 QDC the Secretariat/Cabinet of URWU stage-managed the electoral process and were re-elected by acclamation. As the records show:

Before the elections commenced the Branch Secretary of Jinja, Bro. D. Kyewe moved a Resolution that "in view of the meritorious work done by the current National officials of the Secretariat by which they had demonstrated in leading the union to prosperity through wise, competent and dynamic leadership, they be returned unopposed to continue with the next term of office". This resolution was unanimously supported and adopted by the Delegates (URWU 1985: Min. No. 7/HQ/ODC/85, p. 18).

What should be noted here is that the Kampala Branch, the main URWU Branch consisting of about 1/3 of the union membership, was not represented. But in representational terms it was simply one of the 11 branches all of which had equal status (Art. 8(1)(c), URWU Constitution). This point in fact brings us to the Kampala Branch - URWU leadership struggles.

The struggle between the Kampala Branch and URWU national leadership was essentially a political and personal struggle. Particularly the UPC Workers' Council happened to have strong support in the Branch (see URWU 1987(a): 2) and appears to have been supported by the former Managing Director of URC, A Ejalu. A. Ejalu had been suspended and later removed from the URC post in 1982. Henceforth, believing that the union had campaigned for his removal, A. Ejalu is said to have entered an informal pact with the UPC agencies in URC which were already allied with the Kampala Branch to oppose URWU leadership. In September 1984 capitalising on workers' demands for wage increases in line with the kakobogo minimum wage guidelines (infra: 319) the URWU Kampala Branch,

supported by the UPC agencies in URC spearheaded a strike in order to discredit the national union leadership and probably oust it. Following the strike the G.S. of URWU made allegations to the effect that A. Ejalu, some leaders of UPC agencies in URC and the Kampala Branch Executive were planning to murder the union Executive⁴⁸. This ended up in a libel case⁴⁹. According to URWU leadership on the day of the strike

all youths of UPC Railway Branch, Kampala... were at the Locomotive Depot meeting with flags to be raised and flowed (Sic) as soon as the union was ousted by the Workers' Council⁵⁰.

It was in this context that the Kampala Branch came to contravene constitutional provisional while the NEC took advantage of this conflict to further increase its powers. Following the September 1984 strike Quinquennial Branch elections were eventually called in Kampala Branch as had already happened in other branches.

According to the NEC

as the election of the Branch Chairman started... the same group of workers and officials who had staged the illegal strike deliberately and wilfully disrupted peace by causing disorder to the extent that it became impossible for the Cabinet to conduct elections.... the same group ordered the Cabinet not to conduct elections by secret ballot but to use the style of voters lining up behind the candidates... Coupled with commotion and breach of peace... the Cabinet decided to stop conducting the elections (URWU 1985(a): 7).

Thereafter the NEC decided to suspend the Kampala Branch for breach of the Constitution (Art. 12(c)), engineering the 1984 strike and insubordination. The Secretariat took over the Branch "until such a conducive time that elections would be held"⁵¹. Then following a NEC-FAGPC meeting in 1986 all the officials of the Kampala Branch were expelled from the union pending appeal to the ADC (URWU 1986: 5). The conflict about the voting system to be

used, which occurred again in 1986 (URWU 1987(b)), it is alleged, was also brought about by the fact that A. Ejalu and the UPC Workers' Council had in 1984 bribed the delegates and wanted open voting to ensure victory⁵².

Although constitutionally the URWU leadership was right to suspend the Kampala Branch and expel the Executive it opportunistically used this conflict to enhance its powers in the Constitution. The 1987 URWU ADC, controlled by the NEC, not only upheld the 1986 NEC-FAGPC decision to expel the Kampala Branch officials from the union, but more significantly increased the national leaders' powers by resolving that

"The Secretariat should handle any subsequent similar activities in the same context of this resolution without the National Executive Committee or a Special Delegates' Conference" (URWU 1987(c)).

Further the Constitution was also amended. While originally the NEC could "suspend any branch for refusal to carry out the rules or decisions" of the ADC or NEC the new provision added refusal to carry out "resolutions" as a further ground for suspension (Art. 12(1)(e)). Thus the URWU Constitution further circumscribed constitutional means of holding the national leadership accountable. Further, the fact that the smallest branches as well as the very big ones like Kampala Branch have the same constitutional rights seems to encourage the small branches' susceptibility to bribery. Finally, it should be observed that since either side in the conflict appeared ready to use unscrupulous means, amendment to the union constitution in a more democratic direction may not completely resolve the conflicts as they go beyond mere constitutional inadequacies.

It may be illuminating as in the case of UTGWU to point out that even with URWU leadership the benefits arising from managerial "assistance" to union leaders and the union itself fuelled the struggles and at the same time undermined union strength and independence.

Assistance for union leaders by management came in the form of promotions and material benefits. In the 1980s almost all national union leaders were promoted very fast, superseding all other workers. A. Kitakule the President, for instance was promoted twice between 1983-1986 superseding 21 workers and 17 workers on each occasion; P.K. Katabulingi the G.S. was promoted (while full-time G.S.) in 1983 skipping eight grades and superseding 23 workers while Maloba Vice-President was also promoted fast⁵³. On a more personal level management has provided material benefits to union leaders. For example the G.S., a trustee and another URC employee were involved in "confidential" correspondance to purchase several (ship) containers from URC in order to construct houses from them⁵⁴. And as with UTGWU, URC management often provided "assistance" to the union itself. In 1986 for instance URC management granted a union request and purchased two airtickets "to allow two of its officials, viz., the President and G.S. to attend the 35th Congress of ITF in Luxembourg "and Shs. 8.6 million was accordingly donated⁵⁵.

2. WORKERS' RESISTANCE TO EROSION OF LIVING STANDARDS:

THE REDUNDANCY OF LAW

Apart from the political and illegal interference of government in union affairs, and union leadership struggles which weakened the unions, the economic policies adopted by the UPC regime

greatly undermined the workers' standards of living. Workers were accordingly forced into constant strikes to improve their terms and conditions of service. However at the same time the government itself actually suppressed the Industrial Court fearing its potential as an anti-government institution. This lack of a final arbitration body increased the number of so-called illegal strikes. Thus both the unfavourable economic situation of the 1980s and state suppression of the Industrial Court concided to make the legal dispute settlement process redundant for the most part. We look at the two issues separately.

(a) THE ECONOMIC POSITION OF WORKERS AND THEIR RESISTANCE:

The poor performance of the Uganda economy in the 1980's and its adverse effects on workers living standards was caused by factors in the international capitalist economy as well as internal ones. From 1979 the world recession had increased unemployment, produced a decline in purchasing power and thus a shrinking of markets in the West. Equally capital flows to the Third World were retrenched while the price of Third World primary commodities also fell in the industrialised capitalist countries. This meant a deterioration in the terms of trade and above all an escalation of the debt crisis⁵⁶. In Uganda as the shilling is pegged to the U.S. dollar vis-a-vis other hard currencies, the dollar's depreciation in the 1980's meant an automatic depreciation of Uganda's shilling⁵⁷. Internally because of the collapse of the industrial, agricultural and tourism sectors in the 1970's under Amin foreign earnings for Uganda were very low in the 1980's and thus only a few capital goods, raw materials, spare parts and essential consumer items could be imported.

The economic collapse was addressed by the UPC-Obote II regime with monetary adjustment policies as demanded by the IMF. This involved the devaluation of the Uganda shilling and changes in the exchange rates between 1981-1984. Other conditionalities included: an end to most government subsidies to allow market forces to operate, ending government controls on imports thereby liberalising trade, upward adjustment of producer prices and ceilings to government domestic borrowing and expenditure. These changes were required by the IMF before it could give a go-ahead for western governments and financial institutions to give aid to Uganda (see A. Mahmood 1985: 7-8; Forward, 1985: 4). So from June 1981 the Uganda shilling was devalued by 90% and from August 1982 there was developed a system of managed devaluation of two exchange rates (A. Mahmood, *ibid*: 7). Between 1982-1984 Window Two rate the one relevant for non-government expenditure and most imports fluctuated between Shs. 230-350 to the dollar. But in 1984 when the two exchange rates were unified at the rate of Shs. 300, with the actual price thereafter to be determined by weekly auctions, the result was devastating. Within six months the rate had fallen to Shs. 550 to a dollar. Yet the open market rate was at Shs. 1200 in January 1985 (Forward, *supra*: 5). By the time of the coup in July 1985 the official rate stood at Shs. 600 and the open market rate at Shs. 2000. By the time of the NRM take-over in January 1986 the open market rate stood at Shs. 5000 to the dollar! (Financial Times, London 29-5-1986: 2; K. Edmonds 1988: 109).

This IMF-inspired monetary policy devastated the living standards of all wage-earners. Further the rehabilitation of the economy was actually hampered and only speculators and a few

comprador merchants (mainly returnee Asians) and elements connected to top UPC leaders were able to gain from the lopsided economy created (Forward, supra: 5). One writer succinctly described the results of the policy:

Even though many retail prices were set with regard to the kibanda (black market) rate, in line with the scarcity of goods, retail prices did increase following the float (devaluation), eroding the income of those on fixed incomes. Especially adversely affected were civil servants and industrial workers, including those in the large parastatal sector... The industrial sector with minimum stocks to revalue, low production levels and a reluctance to re-value assets, saw its working capital eroded. Since access to credit was also tight, attempts to rehabilitate this sector in pursuit of longer-term aims were often frustrated by its inability to purchase foreign exchange, even if this had been allocated from donor credits (K. Edmonds, ibid: 103-105).

However in order to concretely understand the collapse of workers' living standards a look at the character of government expenditure, wages policy and the price movements is necessary. Government expenditure was one of the foremost causes of inflation in the 1980's due to deficit financing through domestic borrowing from the banks in spite of IMF conditionalities (RU 1987/1988: 18-19). Ministry of Defence expenditure between 1981/82 and 1986/87 increased from 20.3% to over 30% of total government recurrent expenditure (ibid: Table 9: 76). This expenditure was followed by expenditure on the Finance Ministry which rose from 24% in 1981/82 to 27.2% in 1986/87 while education, also immediately unproductive, took 15.5% in 1982/82 though it had fallen to 11.8% in 1986/87 (ibid.). Thus while there was an expansion of money supply expenditure was mainly on non-productive sectors which fuelled inflation.

Thus the external economic situation, the debt problem, the collapse of industrial production and all this vis-a-vis a growing population (from 9.5 in 1969 to 15 million in 1986, *ibid.* Table 24), followed by IMF-inspired monetary policies, the expansion of money supply and government expenditure especially on Defence in order to fight armed political opposition were the various factors responsible for the 1980's economic crisis.

Before we look at the wages policies of the 1980's it is important to look at the price movements in order to understand the extent of the collapse of workers' living standards. The reaction of the workers, for the most part in disregard of the legal dispute settlement process, was a measure of the level of exploitation they felt they were subjected to. The cost of living between 1981-1986 rose for all wage-earners even more drastically than under Amin. For the middle-income earners the Cost of Living Index (COI) rose from 200.7 (1981=100) in 1982 to 350 in 1984 and 2218 in 1986 (*ibid.* Table 18). For the low-income earners, in which the majority of workers are included, the index rose from 115 in 1982 to 213 in 1984 and 1446 in 1986 (*ibid.* Table 17). The biggest price rises began after 1984 with acute shortages of food supply, essential consumer commodities, raw materials and spare parts. And while there was a rapid expansion of money supply due to increasing budget deficits mainly financed by borrowing from the central bank, the supply of goods and services was stagnant or dwindling. This increased the demand for both imported and locally produced goods which was reflected in the depreciation of the Uganda shilling and the consequent rise in prices (*ibid:* 21).

The wages received by workers did not reflect the rise in the cost of living at all. In the 1980's there have been several wage rises. Between 1976 and 1983 no rise to the minimum wage of Shs. 240 (see S.I 34/1976) had been made. In November 1983 all Makerere University employees received a flat 20% wage increase and this was extended in March 1984 to all public employees. The Budget of June 1984 following the unified exchange rate substantially increased the minimum wage to Shs. 6000 (the kakobogo wage rise). In fact since 1984, except for 1985 there has been an annual wage rise for public employees in a futile attempt to keep up with inflation (See A. W. Walugembe-Musoke: 24). The minimum wages stipulated by the government apply only to the public service: the civil service, Teaching Service Commission and Makerere University while the parastatals and private sector were free to negotiate wages and other terms and conditions of service. As the minimum wage in real terms has always been very low the private sector and parastatals have usually paid higher wages than the public service.

It should be observed here that throughout the 1980's the Minimum Wages Advisory Board and Councils Act 1963 has not been practically used to inquire broadly into the general economic situation of the country before minimum wages are laid down (SS. 3-6, Cap 196, Laws of Uganda). Although in 1983 a Minimum Wages Board was set up under the Act its recommendations could not be awaited as wage increases had to be announced even before its recommendations came out (NOTU 1984(c): p.1). This was indeed inevitable because price increases bore no relation to the wage levels. For instance at the end of 1981 when the minimum wage stood at Shs. 240 a kilogram of dry fish cost Shs. 400, of bread Shs. 474 while at the

end of 1984 with the minimum wage of Shs. 6000 the same amount of fish cost Shs. 1072, bread Shs. 662 and the staple food matoke of an average weight of 10kg. cost about Shs. 760 (RU 1987/88: Table 19). By 1987 the inflation rate had even further escalated. Yet even those workers both unionised and non-unionised who earned above the minimum wages, even five times more, especially the so-called middle class, could not subsist on their monthly wages for more than a week.

Several results of this were an increase in absenteeism, part-time petty trade, stealing of office and factory equipment, installations and goods. Corruption and embezzlement were also fuelled (see for instance C. Machyo 1985: 26-33; RU 1988: 52, 62). The 1980's in fact saw a situation where unlike in the 1960's (Cap III:165-170) when workers especially the small labour aristocracy could use their wage earnings to launch into independent business the workers were now instead seeking other part-time work and petty trade to supplement their meagre wages. Similarly the concept that workers rights and wages should be restricted for the sake of general development gave way to the concept of the need to "rehabilitate" the collapsed economy. Thus the development plans of the previous two decades gave way to rehabilitation programmes (see RU: 1982; 1983). In otherwords the ideology of development, by the 1980's, had been completely discredited and could no longer be used to justify restrictions on workers' organisational rights and demands for improved terms and conditions of work.

But individual and negative reactions aside, collective action especially in terms of strikes and even factory takeovers to resist the economic collapse and consequent pauperization of the workers

was now prevalent. More often than not strikes were intended to hasten the trade unions' collective bargaining position while at other times they were simply a rejection of the legal dispute settlement process. The Ministry of Labour could only try and restrict disputes and strikes but for the most part failed to stop them. Given the level of repression in this period and the attempts by the UPC regime to divide the workers, as already seen, the number of strikes that took place were testimony to workers' resolve. Before we look at some examples of the disputes and strikes in the 1980's it is important to point out that the main dispute settlement institution, the Industrial Court was suppressed for the most part under the Obote II regime.

(b) THE SUPPRESSION OF THE INDUSTRIAL COURT

From 1980-1985 the Industrial Court was inoperative. This meant that only conciliation and arbitration were formally available as remedies for trade disputes (S.1(3) Trade Disputes Act 1964). But the finality of Industrial Court awards was not available. This came to be because when the terms of service of most Panel members of the Court expired in 1980 and that of the President in 1981 no new Panels or President were appointed (M.L.: 1981). Although later the President was appointed no Panel members (representing workers, employers and independents) were appointed (M.L.: 1982).

In 1981 seven disputes were pending; but because workers and trade unions knew there was no final adjudicatory body they soon stopped reporting trade disputes to the Ministry of Labour for referral to the Industrial Court. In 1982 only one dispute was referred to the Court, another was withdrawn and settled out of

Court⁵⁸ while many others were overtaken by events because of the inflationary economic situation as shown above. This meant that any dispute unresolved within a year would be made redundant as wages and other terms had to be improved constantly as a result of both trade union and rank and file pressure. For instance UTGWU was demanding a minimum wage of Shs. 1059 per month in 1980 but by 1982, though the dispute was not officially withdrawn, the minimum wage at the industry in question was above Shs. 1500 per month excluding fringe benefits (M.L.: 1982).

In 1983 the Industrial Court President, redundant, went away for a course at the University of London, no Panel was appointed nor a Deputy President and therefore no disputes were heard or resolved. The unions again saw it fit not to report any new disputes and indeed none was referred to the Industrial Court that year. On the contrary even some of the pending disputes were withdrawn for settlement out of Court⁵⁹.

It was only at the end of 1984 that the Industrial Court was inaugurated on the 11th December. A Deputy President was also appointed namely, J. Otto who was a Legal Advisor to the UPC Secretariat! (M.L.: 1984). The Court Panel was also appointed. But although two disputes were referred to the Court none, including four disputes pending from 1979-1980, was heard. In 1985 a few hearing dates were fixed but no case was heard because the parties failed to turn up (M.L.: 1985). This was particularly so after the overthrow by the Army of the UPC-Obote II regime in July 1985. Thereafter the General Tito Okello government was so unstable especially as the country was later under two de facto governments with Y. Museveni's NRM/NRA controlling about one-half of Uganda.

Most government institutions, including the Industrial Court could not operate.

However the question still remains why the Court was suppressed by the Obote II regime between 1980-1984. Failure to appoint the Panel members and for some time the President and his Deputy were responsible for its dormancy. Workers were therefore given no choice but to accept any outcome of collective bargaining where unions were recognised or go on strike illegally. The governments refusal to reactivate the Court seems to have been determined by its fear that the Court might become another anti-government institution. This was especially so as the Ministry of Labour generally supported the official legal trade union movement against the partisan UPC Workers' Council. In fact the Minister of Labour and his Deputy are said to have constantly pressed for the reactivation of the Court by having the different representative Panels appointed⁶⁰. However the government was more cautious. This is probably why the Deputy President of the Court appointed in 1984 was the Legal Advisor in the UPC Secretariat. He was seen as a counterweight to the non-partisan Court President.

(c) TRADE DISPUTES AND STRIKES:

During the period 1979-1987 the law regulating trade disputes was not simply rendered essentially superfluous by the hyper-inflationary situation requiring constant and swift adjustments of workers' wages and other terms of service; nor was it so rendered due to the concurrent suppression of the Industrial Court by the Obote II regime. In most of the disputes and strikes the fundamental problem that could not be resolved by the dispute

settlement mechanisms was the economic situation of the enterprises in the 1980's economic crisis which was further exacerbated by IMF-directed monetary policies. But the economic problems aside, some of the strikes were a reflection of political contradictions within the wider Ugandan society. It is our contention that these various factors point to the conclusion that while the economic crisis still stands and while the political suppression of legal institutions (e.g. the Industrial Court) remained and national political contradictions were being replicated among the workers, the law which is blind to these factors could not resolve these "industrial disputes" nor could the trade unions play their role in ensuring that both collective agreements and the dispute settlement law were followed by their membership. The economic and political factors behind the strikes are not solvable by legal mechanisms but on their own ground.

In general, following the removal of Amin in 1979 industrial unrest and strikes escalated. The main thrust of the strikes at the time was the demand for freedom of association and the practical liberalisation of industrial relations especially the removal of the repressive pro-Amin managements in workplaces most of which were government-owned corporations or joint ventures (NOTU 1979). It is estimated that during the Obote II regime most industries had at least one strike per year while textile factories had about three strikes or lockouts every year between 1981-1987 (Forward 1987:5). It may be useful to look at some specific examples to illustrate the points made above. We shall look at the Lira Spinning Mill strike of 1984, the MULCO strikes between 1984-1987 and the Uganda Railways Corporation (URC) strike of 1984. These strikes show the

economic, political and intra-union organisational problems that rendered the dispute settlement provisions of collective agreements and legislation generally redundant.

(i) THE LIRA SPINNING MILL STRIKE 1984

In 1984 the Lira Spinning Mill was in an economic crisis like most industries in Uganda. At the heart of the problem was lack of spare parts and the fact that the structure of the whole factory was crumbling and needed a complete overhaul and rehabilitation (Forward 1987(a): 4). But whereas this was the economic context, managerial behaviour was the immediate impetus for the actual strike in July.

For five months prior to July workers had not been paid their meagre wages. Workers' unofficial representatives, the UTGWU shopstewards and Branch leaders constantly demanded wage payment in time and as per collective agreement. Management argued that there were no finances though they continued paying themselves sumptuous allowances and even loans as a cushion against the inflationary situation. Further, the Manager's Mercedes Benz was kept at the factory's expense and managerial ostentation generally continued (Forward 1984:5). The demands of the workers, reflecting the firm's and general national economic crisis, as on previous occasions, were:

1. prompt payment of wages and a wage increase due to the inflationary situation;
2. provision of housing or sufficient housing allowance to meet private rental charges;

3. better working conditions in the factory: protection of machines and adequate medical care;
4. participation in decision-making and management;
5. the right of the union to exist independent of management in organisation and decision-making;
6. the right to strike as a fundamental right;
7. the elimination of the corruption rampart among management;
8. greater productivity and efficiency provided conditions for such efficiency were guaranteed;
9. the elimination of arbitrariness and high-handed administration by management (*ibid*: 6-7).

But as management failed to pay the wage arrears and refused to sit down and negotiate, workers were infuriated. The dispute settlement procedures were not even invoked. The workers detained the Manager, relieved him of the Mercedes Benz, factory keys and other property, took over the factory and continued to work. Although the Lira District Commissioner and armed police tried to intimidate the workers and release the Manager, workers resisted and affirmed his dismissal. Later they took him to the local police station and demanded police investigation into the running of the factory. Instead the police released the Manager who together with management regrouped and this time called in the Army. The latter, with an array of all sorts of weapons attacked the factory and took it over after two days of workers' occupation. The Manager then declared all workers locked out and closed the factory. Effectively all workers were dismissed. The Army now occupied the factory and is alleged to have stolen factory spare parts (*Forward 1984 (a)*: 2).

By the end of 1987 the factory had not re-opened. In fact during the July 1985 coup soldiers looted it and thus exacerbated the situation. It is only in the period 1988-89 that the NRM government signed agreements with the USSR and the Swiss Roko Construction Co. that rehabilitation is said to have begun⁶¹.

Although management had violated the collective agreement between Lira Spinning Mill and UTGWU in failing to pay wages in time, to give housing allowances and to provide healthy and safe conditions of work as required by statute (Factories Act, SS. 13-54) it appears that the fundamental problem was the national economic crisis. But three additional factors aggravated the situation. First, open managerial ostentation annoyed the workers. Secondly, the union was very weak. This was partly as a result of the Mutete-Amandrua leadership disputes(Supra:289-'92)which left the union branch on its own; it was also partly because in 1983 almost the entire leadership of UTGWU branch at the factory had been promoted out of the unionisable grades, an attempt by management, it is claimed, to weaken the union (Forward, 1984: 7). Finally, political conflict (the 1985 coup) and state support for management all added up to convince workers that no one was on their side.

Therefore the law, whether legislation or collective agreements, lacked the material basis (economic stability) and political framework in which to successfully operate. But to a considerable extent too the organisational weakness of UTGWU at national level further isolated the workers in spite of their unity and militancy on the factory floor. Union organisational strength, economic and political stability seems to be conditions precedent to any effective utilisation of legal rights and procedures.

(ii) THE MULCO STRIKES 1984-1987

Economic problems of MULCO textile factory were also central to the industrial disputes and strikes there. This factory, originally owned by the Asian capitalist, Madhivani was expropriated in 1972 during the Economic War but had been repossessed by Madhivani International as a joint venture with government in 1984 under the Expropriated Properties Act 1982. The new management was now Asian. Management's main complaint was that there was lack of working capital to buy cotton, chemical inputs, spare parts and machinery in time⁶².

In October 1984 management had taken the decision to close the mill "because of lack of working capital" it would not be "economically viable to operate..."⁶³, but this developed into a dispute and the closure was never effected. The general industrial collapse under Idi Amin had also affected MULCO. Thus while in 1972 MULCO produced 12.5 million metres of cloth annually, by 1978 it was producing only 4.5; while in 1974 it produced 1.8 million kg. of yarn, by 1978 this had fallen to a mere 0.7 (Commonwealth Secretariat 1979: Annex 11.1, p.159). Like many other industries MULCO was then looted and ransacked of "cloth, raw materials, spares, office equipment, vehicles, etc." in the 1979 war against Idi Amin (ibid. 131). By 1984 the workforce had reduced to 1500 from the 1979 pre-war position of 5000⁶⁴.

With the collapse of the value of the shilling in 1984 and the Kakobogo budget minimum wage guidelines of that year the MULCO workers demanded a review of their wages and terms of service. Two strikes took place in the factory in the second half of 1984

demanding wage increases and payment of arrears⁶⁵. Another dispute arose in January 1985 as management selectively recalled only a few workers from their December 1984 leave so as to reduce the workforce further. UTGWU challenged this and demanded the payment of all entitlements to laid-off workers. The agreed terms were not fulfilled by management and two further strikes followed in September 1985 (Forward 1987: 6).

The remaining workers still could not be paid their wage arrears in full nor could management fulfill their obligations under various collective agreements. Between October 1985 and February 1986 three strikes followed and management now acknowledged that "wildcat strikes have been turned into regular pressure occurrences"⁶⁶. By this time apart from the arrears in question and other entitlements, workers demanded the removal of the General Manager (G.M.). More interesting and novel was the fact that "staff members" or middle-management now joined workers in the strike: they were opposing the abrogation by management of their old Agreement.

Immediately the G.M. was removed and replaced. Negotiations on a new Agreement for workers began in July 1986 but no progress was made. Two strikes in October and December respectively followed (Forward 1987: 7) but the G.M. refused to meet the UTGWU General Secretary for negotiations. Outside the Trade Dispute Act procedures the workers appealed direct to the Minister of Labour who intervened informally. In the meantime workers like at the Lira Spinning Mill locked the G.M. out, took over the direction of the factory and even stepped up production. The G.M. here also called in the Army and the police who, using guns, intimidated workers, forced them out of the factory which was then closed (*ibid.*). Again

outside the statutory provisions the Minister eventually imposed a settlement and ordered the re-opening of the factory and negotiations with the union. Most of the agreed terms were then implemented.

In April 1987 a new collective agreement was reached⁶⁷. But by May the agreement was not being implemented, in particular the following terms: transport, clean drinking water, the stocking of the medical unit and welfare shops, provision of the agreed food rations, protective clothing, the repair of the factory roofing then almost collapsing and the slashing of the bush around the factory⁶⁸. No progress was made.

Following the 1987/1988 Budget new minimum wage guidelines, both the middle-management ("staff") and the rank and file union members now acted in concert. In particular staff members demanded salary increases and protested against racial abuse and discrimination by the Asian management, particularly in the Accounts Section. It was claimed that intrasigent and militant Africans in management and the Accounts Section were bring transferred and were to be replaced by Asians. F.X. Kabale the Cost Accountant had been dismissed⁶⁹. The aggrieved "staff" appealed to the District Administrator, Jinja while the G.M. requested the Minister of Labour to allow him to dismiss the union officials who were "causing trouble". No compromise could be reached. Workers went on strike and "staff" joined them. This was between 21-24th August 1987⁷⁰.

Together the union and the "staff" demanded the following:

1. the reinstatement of 11 workers dismissed in December 1986 in spite of agreement to the contrary after the strike;

2. the reinstatement of Mr. F.X. Kabale and 11 askaris;
3. the signing of a new staff agreement as staff rejected the new one imposed by management;
4. adherence to the collective agreement (MULCO-UTGWU) especially with respect to: transport, canteen and welfare facilities, the welfare shops, protective clothing and the medical unit provisions;
5. the removal of the G.M. Mr. Ireland;
6. the payment of cost of living allowance to "staff" as approved by Head Office⁷¹.

After the management-union meeting workers agreed to return to work pending the resolution of their grievances. But it appears that the same type of crisis industrial relations continued up to the end of 1987.

In these strikes as in the case of Lira Spinning Mill the economic crisis of the period appeared to be the underlying cause of the collapse of the legal dispute settlement procedures. In MULCO state intervention occurred outside the established procedures and especially under the NRM did not come out against the workers. But the character of management which appeared bent on using the general national economic crisis to renege on some agreed collective terms, seems to have exacerbated the disputes. It was never always clear in each dispute whether the economic problems of the factory were real or imagined. Further the character of management seems also to have brought together the rank and file union members and "staff" who now acted in concert.

(iii) THE 1984 URC STRIKE

Finally we look at the 1984 September strike in URC. Following

the removal of Idi Amin in 1979, URWU had managed to raise wages for its membership and in 1982 an Agreement between URWU and URC upgraded all the posts and gave new fringe benefits and increased the value of others for most of the employees⁷². Although this Agreement was later implemented it was after some delay and disputes. In the meantime inflation escalated and government announced the 1984 minimum wage guidelines in the Kakobogo Budget. The URC had to revise its wage structure again as at the time its minimum stood at Shs. 1,885⁷³, while the new national minimum was now at Shs. 6000 (Supra; 306). A new Wage Agreement was accordingly signed between URWU and URC on 27 July 1984⁷⁴. However by September 1985 the URC had not yet implemented the wage increase because Government had delayed approving the Revised Railway Tariffs which were to generate money to finance the wage increases⁷⁵.

This is the background to the September strike. The strike took place only in the Kampala station, the headquarters of URC. However it was actually engineered by the URWU Kampala Branch and the UPC agencies in URC acting together to discredit the URWU national leadership (see supra:298-'99). However it was only a one-day strike as the national union leadership was able to explain to the workers the delay for the implementation of the wage increase and because the Minister of Transport had also similarly informed the workers in a public meeting⁷⁶. This strike, though a reflection of workers' grievances, was essentially a result of the intra-union struggles engendered by the UPC agencies and, apparently, the person of A. Ejalu. The dispute could not be handled through the legal dispute settlement mechanism because it was essentially an intra-union dispute. This is why no complaint was made through the

established machinery. The strike appeared as a spontaneous "wild-cat" strike. It may indeed be said that it was resolved by political intervention since, following the Minister's address, it was decided that the workers be paid wage advances pending government ratification of new tariffs⁷⁷.

Several conclusions may be developed from the above strikes with regard to the function of the legal dispute settlement process. First, it seems that the economic crisis and lack of capital (especially foreign exchange) of the 1980s was the fundamental basis for the various disputes and strikes. Secondly political contradictions, managerial intrasigence and pro-management state intervention aggravated the industrial relations crises thus rendering the laid down legal dispute settlement procedures even more irrelevant to disputes. Thirdly, intra-union disputes themselves, partly reflecting wider national political contradictions weakened the unions in their representational function. It would appear then that for industrial disputes to be brought within legal settlement procedures the following issues must be addressed: the stabilisation of the economy whereby sustained industrial production can be assured, the minimisation of national political intervention in union organisation thus allowing genuine union autonomy, and the internal democratisation of unions to eliminate or at least greatly reduce factionalism.

The result of the economic crisis of the 1980s which made it very difficult for workers to follow the long dispute settlement procedures due to the need for quick solutions in an inflationary situation, the government's suppression of the Industrial Court and intra-union disputes coincided to make the dispute settlement procedures generally superfluous.

3. FOREIGN MATERIAL AID AND IDEOLOGICAL INFLUENCE IN THE TRADE UNIONS

The organisation of workers particularly in trade unions during the 1980s was not only adversely affected by the unfavourable economic climate and political intervention and repression as so far demonstrated; it was also, in an indirect but more lasting way in impact, influenced by foreign trade union material "aid" and ideology. The trade union ideology, building upon the work of the ILO in the 1970s especially, was that of economism expressed in the technocratic and careerist conception of trade unionism. The foremost union federations which advocated and taught, through educational courses, this conception of trade unionism were the western ICFTU and AALC. The most prevalent issue around which the struggle for the ideological definition of trade unionism was waged was affiliation - namely, whether the non-aligned position of OATUU or the pro-western position of ICFTU should be adopted. In Uganda as there is no legal probibition of foreign affiliation the struggle was more politico-ideological than legal. However the more pervasive ideological influence of western trade unions has been through the means of education, particularly after 1979. This influence has been possible we argue mainly because of the material and financial dependency of Uganda's trade unions, especially NOTU, on ICFTU and AALC above all other foreign trade union organisations.

Thus to understand the role of the legal framework in shaping the character of Uganda's trade union movement the ideological self-conception of the unions themselves must be taken into account. It is important to point out however that the influence of the ICFTU and AALC intersects with that of ILO tripartism and the governments'

preference for a corporatist relationship between party, government and the unions. Thus economism of the ICFTU and AALC, ILO tripartism and government desire to co-opt and control unions though not in total agreement had common ground. But government corporatist intentions could not be realised in the 1980s because of a multi-party system and union hostility in the period. The most important effects of foreign union influence here were in damaging the non-aligned position of NOTU, undermining leaders commitment to their unions and buttressing a technocratic, static and uncritical conception of unionism. We shall deal with the question of affiliation, material aid and then the nature of the ideological influence through educational courses, in this order.

(a) THE FOREIGN AFFILITATION QUESTION

The issue of foreign affiliation especially for the national centre, NOTU was a prime focus of ideological struggle in the 1980s as to whether NOTU should be non-aligned in accordance with OATUU policy and Charter as much as with the policies of various Ugandan governments or whether it should affiliate to the western ICFTU.

The Trade Union Decree 1976 provides that the funds of NOTU, subject to the provisions of the Decree and NOTU Constitution, may be expended for "the payment of subscription and fees to any federation or congress of trade unions to which the National Organisation of Trade Unions, after consultation with the Minister, may be affiliated" (S.44(g)). The NOTU Constitution itself stipulates that the aims and objectives of NOTU shall be, inter alia, "to establish friendly relations, affiliate where suitable with express authority of the Annual Delegates Conference, and

participate in activities of international trade union organisations having objectives similar to those of NOTU and the government's declared foreign policy" (Art 3(n)).

It may be recalled that from 1966 when the UTUC and FUTU merged to form ULC no national centre affiliated to any foreign trade union federation (Cap III:156-'7) and throughout the Amin era no relations were maintained with western trade union federations except relations between some NOTU affiliates and their International Trade secretariats (ITSs). NOTU was affiliated only to OATUU whose Constitution prohibited any of its affiliates from affiliating to any other international trade union organisation (Art. 8, OATUU Charter). However in 1981 D. Wogute without any constitutional authority, as no Delegates Conference had authorised him, affiliated NOTU to the ICFTU⁷⁸. And in 1983 S.A. Okolimong, Acting S.G. of NOTU attended the 13th ICFTU World Congress in Oslo, Norway and his name later appeared as a Member of the Executive Board of ICFTU. At the same time a NOTU delegation to the USSR "praised ICFTU activities in Uganda". Government reacted unambiguously and declared "that NOTU should not affiliate to ICFTU and that this matter is not negotiable in any way whatsoever"⁷⁹. It in fact asked NOTU to denounce the affiliation and to conform with the OAATU Constitution and the decision of OAU Heads of State that "no national centre in Africa should affiliate to any international organisation"⁸⁰.

Ever since the formation of OATUU in 1973 and especially after 1976 when all trade union centres in Africa became members (NOTU 1984(d); 32) the question of affiliation has been the most controversial with the western-oriented centres arguing that Article

8 of the OATUU Charter infringed trade union autonomy and violated the principles of ILO Convention No. 87 (W. Ananaba 1979: 137-8).

In October 1986 the Second Extra-ordinary Congress of OATUU in Addis-Ababa, Ethiopia decided to amend the Articles governing affiliation. Article 8 now allowed OATUU affiliates to affiliate to international trade union organisations although those not so affiliated would have an additional vote (Art. 9) and those so affiliated would not be elected to the OATUU Executive Committee (Art. 10)⁸¹. But the Ugandan Ministry of Labour was opposed to these changes. It explained:

We have studied this amendment and are slightly perturbed that it may weaken OATUU. I fear that now that OATUU members are allowed to affiliate, although there are some conditions, a number of these may in fact find themselves in the hands of the internationals. Clever internationals may use the resources at their disposal to persuade OATUU members to affiliate to them, thereby making these members forget their interest in OATUU⁸².

However the new Secretary General of NOTU R.W. Kasozi (1986-1988) sought to argue that these amendments were democratically arrived at with the participation of the Wisemen Committee of OAU.

He concluded:

I am of the opinion that the amendment was intended to restore the freedom of association to the national centres, not necessarily to weaken the OATUU. It should be noted that even before the amendments there were already some national centres in Africa which were affiliated to either WFTU or ICFTU⁸³.

R.W. Kasozi further argued that after all various non-African national centres were affiliated to regional and continental federations as well as to internationals⁸⁴. What he conveniently forgot was that the African trade union centres were for the most part weak and looked to the other national centres, regional

organisations and the internationals for assistance. The attraction of the internationals lay essentially in their financial resources. As a matter of fact the confusion within OATUU and wrangles over Art. 8 had been consistently instigated and kept alive mainly by AFL-CIO and ICFTU using some African centres sympathetic to their ideological outlook (J.D. Akumu).

In 1986 in fact R.W. Kasozi as the new Secretary-General, said to have been sponsored by AALC (see subsection (c) below) and a few other leaders led the NOTU Annual Delegates Conference to make the resolution that "the trade unions and NOTU should be left free to affiliate to international trade union organisations of their choice but following the Government foreign policy" (NOTU 1986: 8). But this appears to have been a manipulated resolution because in 1987 a clear struggle was on against affiliation. A section of the trade union movement favoured the traditional policy since ULC days of positive non-alignment and being "a friend to all and foe to none" (Cap III:156). This culminated in a report of splits in NOTU over whether to align East or West or to remain non-aligned (New Vision 13-10-1987). At the 1987 ADC of NOTU R.W. Kasozi the G.S. raised the question of affiliation but was ruled out of order as the issue was not on the agenda. As no decision was made the position remained positive non-alignment⁸⁵.

The 1986 resolution had itself been a contradiction in terms because government policy under the NRM remains "positive non-alignment". As such the struggle on the issue remains though government opposition may determine that no affiliation takes place. The important factor however will be whether the majority in the trade union movement come to take a nationalist and independent non-

alignment policy as generally advocated by the African union continental, OATUU. Thus although legally NOTU may affiliate to any foreign union organisation its Constitution and that of OATUU require consistency with government foreign policy and penalty for such affiliation respectively (NOTU affiliates are free to affiliate to the ITSS). The struggle therefore seems to be more about the ideological implication of affiliation rather than legal restriction since in the latter case the determinant factor is political, namely government foreign policy.

This view was practically vindicated in 1986. Because of NOTU's close relations with ICFTU at the time, although not affiliated to it, a circular addressed to "all affiliated Organisations" was sent to it. The ICFTU indicated that it was worried that its affiliates would be invited to the September 1986 WFTU Congress and wished to reiterate its policy regarding "contacts with trade unions under communist control". This was "to avoid any initiative which may directly or indirectly weaken the ICFTU and the international free trade union movement" and thus:

- a) ensure that bilateral contacts with national centres which do not share the same principles of free trade unionism and internationalism as the ICFTU follow this programme.
- b) participate in multi-lateral contacts with these same organisations only at the ILO and within the framework of the specific activities of this organisation.

The circular ended thus: "we therefore firmly recommend that you do not attend the WFTU Congress"⁸⁷. And R.W. Kasozi accordingly promised that "no pact will be entered into between the two organisations" even if they attended the WFTU Congress.

Thus very close relations to ICFTU, let alone affiliation precluded fraternal relations with other international trade unions

due to the East-West divide which the non-alignment policy seeks to avoid. At the same time such restrictive relations or affiliations, generally referred to as "trade union imperialism", threaten the unity of OATUU and the commitment of African national centres such as NOTU to their own union continental^{87a}. However the issue of affiliation cannot be seen in isolation from the material and financial aid that African affiliates usually expect from either the East or the West. It is to this that we now draw our attention.

(b) THE ROLE OF FOREIGN FINANCIAL AND MATERIAL AID

The importance of foreign financial and material aid to Ugandan unions especially NOTU has been its close connection with the donors' interest in influencing choices of union leadership and ensuring that the union movement supports and takes on their ideological outlook. On the other hand the Uganda government particularly between 1979 and 1986 were mainly concerned that trade unions should not be used for political purposes in opposition to the existing political status quo. For this reason governments have simply been concerned with the narrow enforcement of the law which required that foreign donations and aid be received by the unions only after ministerial approval. S.43 of the Trade Unions Decree provides that "the NOTU or any registered trade union shall not enter into any agreement for aid of any nature with any foreign country or organisation without consultation with and approval of the Minister".

While it may be said that material and financial aid to Uganda's unions was necessary after the 1979 war that removed Idi Amin, its continuation could mainly be explained by the ideological

and leadership influence the donors hoped to exact. We shall explain how this was demonstrated between 1979-1987.

The foreign unions that predominated in aid-giving were the AALC and ICFTU. Immediately after the fall of the Amin regime ICFTU donated \$2500 and AALC \$5000 to NOTU⁸⁸. In 1981 the AALC donated cartons of soap while ICFTU gave more than \$10,000 to NOTU although most of this money was apparently misappropriated by D. Wogute and his supporters leading to their ouster in 1982 (NOTU 1982(a): Minutes 7/2-7/4). It was this generous "assistance" that persuaded D. Wogute to affiliate NOTU to the ICFTU in 1981 without any constitutional authority (supra: 323). Between 1981-1983 ICFTU sponsored workers' educational programmes, the NOTU Department of Research and Economics, bought NOTU a vehicle and office equipment and gave funds and a motorcycle for setting up NOTU Regional Offices⁸⁹. However when NOTU was prevailed upon to disaffiliate from ICFTU in 1983 ICFTU became hostile and stopped all its "aid". It equally ensured that its rich affiliates would not help NOTU. Thus in 1984 when the Acting S.G. of NOTU wrote to the AALC for assistance especially to fill the gap left by ICFTU by funding the completion of the Trade Union Instructors' Programme, the AALC replied:

As a loyal affiliate of the ICFTU we are not prepared to step into a situation from which they have withdrawn... I must say that we do not understand your disaffiliation from the ICFTU, in view of their record of assistance to your organisation through very difficult times... I am sorry we cannot provide the funding as you requested...⁹⁰.

Similarly the Japanese Confederation of Labour (DOMEI) could not aid Ugandan unions without ICFTU approval⁹¹.

Before the 1983 NOTU-ICFTU rupture the AALC tried to establish a foothold in Uganda. Apart from sponsoring some local and foreign seminars (to the USA) for unionists it provided a vehicle, maintained others and promised to support NOTU Economic Projects and a Newsletter (NOTU: 1985:6). Between 1980-1982 the AALC stationed its representative, Charles Taylor, in Uganda. In 1982 he had tried to formalise AALC activities in Uganda by signing an agreement with government which however never materialised⁹². The government itself, before the NOTU-ICFTU rupture, though warning that "Uganda was a non-aligned country and therefore there should be no clique from any block to use the trade unions to project their image", went ahead to appeal to the AALC to give assistance to NOTU and "to consider putting up a Labour College for the workers of Uganda and also think of completing the Workers' House"⁹³. This seemed contradictory enough as such a College, like the ICFTU one before it, would indeed have been an ideological tool for the AALC-ICFTU. The NOTU-ICFTU rupture however ended all these initiatives. Instead the AALC simply tried to maintain a presence in Uganda. It only purchased some office furniture and equipment for NOTU, provided vehicle spare parts and funded a NOTU workshop. The previous generous funding stopped and AALC began to insist that "any further assistance to NOTU will depend on evidence of concrete progress within the union which will show that it is developing as a viable and democratic organisation" when no such conditions, however justifiable on the face of it, were put before⁹⁴.

But in order to have an ideological influence on Uganda's unions the AALC and ICFTU did not only give financial assistance and sponsor educational courses (infra, subsection (c)) they tried to

sponsor NOTU and other unions' leadership sympathetic to their ideological outlook. Between 1980-1982 AALC supported D. Wogute and his faction. AALC reluctantly accepted the removal of Wogute in 1982 and even met with him "together with E.K. Hall and Y.D. Okot-Omara in their NOTU capacity while fully aware that Wogute had already been dismissed"⁹⁵. It was even alleged later in 1982 that D. Wogute and E.K. Hall were found with CIA documents⁹⁶. In 1986 the new S.G. of NOTU R.W. Kasozi was instrumental in restoring NOTU-ICFTU relations. He is also said to have been sponsored by the AALC to campaign for the Secretary Generalship (NOTU Secretariat Sources, October 1987). Within a day of his election in fact he wrote only to the AALC informing them of the results and requesting them to send a representative to Kampala to assess NOTU needs and strengthen "co-operation"⁹⁷.

It should be added here too that the AALC sponsored the NOTU Quinquennial Delegates Conference at which R.W. Kasozi was elected, sent several trade unionists for short courses in the U.S.A. between 1986-1987; and expecting NOTU to decide to re-affiliate to the ICFTU funded the NOTU ADC of 1987. Besides, from 1986 it paid salaries of all NOTU staff, paid for office rent, allowances for meetings and general administrative expenses to the value of \$16000. All in all NOTU, from 1986, has depended for more than 90% of its income on foreign, especially AALC and ICFTU donations⁹⁸. The greatest danger here is that in such circumstances the NOTU leadership has tended to look to the foreign sponsors as its constituency and done little about even getting the affiliates to pay their dues and ensuring that it retains the confidence of the workers after election (cf. Cap III:161). This sort of result is evidenced by research on other

countries. R. Cohen writing on Nigerian trade unions in the 1970s showed not only that foreign unions caused divisions in the Nigerian trade union movement (R. Cohen 1974: 99, 123-4) but encouraged leadership neglect of their duties. While acknowledging that foreign financial help could help a union's autonomy vis-a-vis government, he concluded:

the affiliation of national centres to the international bodies often has a negative aspect, for the assurance of financial support, patronage and scholarships, leads to a tendency to neglect grass-roots organisation and the building up of viable trade union structures (*ibid.* 250).

The ICFTU from 1986 resumed funding the Department of Research and Economics fully, agreed to fund, a three-year Education and Training Programme to develop a new team of Trade Union Instructors and shop stewards, to resume financing the setting up of NOTU Regional Offices fully and to finance some NOTU economic projects (NOTU 1987: 2-3). By 1987 R.W. Kasozi noted with satisfaction the role of aid to NOTU from the two organisations:

I wish to single out two organisations namely: the African American Labour Centre (AALC) and the International Confederation of Free Trade Unions (ICFTU) which came to our aid at the most difficult times (NOTU: 1987(a)).

In fact immediately after the 1987 ADC R.W. Kasozi went on a tour of USA sponsored by the AALC, it is believed, to further discuss the affiliation-to-ICFTU question and strengthening AALC-NOTU links (NOTU Secretariat Sources, October 1987).

With respect to NOTU affiliates the case of UTGWU is pertinent. We have already seen how the leadership struggle in UTGWU between the Mutete and Amandrua factions between 1984-1987 was kept alive mainly by the intervention of the ITG & LWF. The foreign union for a long time refused to accept the legitimate and democratically

elected leadership of UTGWU and kept the leadership dispute artificially alive by sponsoring the Mutete faction. Further the educational aid that had been promised was also cancelled because the successful faction after UTGWU elections was not favoured by the foreign union (See Supra:292). But in the final analysis this was only detrimental to the workers in Uganda, members of UTGWU.

During the Obote II period and up to 1987 government policy towards foreign aid for the unions and the application of S.43 of the Trade Union Decree have been very narrow. In most cases aid was negotiated and the Ministry of Labour simply informed, at times after the receipt thereof. The Obote regime was mainly concerned with questions of political security for the government and apart from opposing NOTU affiliation to ICFTU the ideological outlook the unions took on did not matter especially as the ICFTU and AALC together with ILO encouraged economism, tripartism and technocratic unionism. Such ideological outlook could not threaten the political status quo. The Ministry of Labour only tried to remind the unions to inform it of their foreign trips and receipt of donations before being undertaken or received⁹⁹. During the Okello period the same view of trips and donations were taken¹⁰⁰. In fact under Obote the only trips abroad refused were to Libya because Libya was known to support the anti-Obote guerilla movements¹⁰¹.

Since 1986 the NRM-led government has not adopted any specific policy on the issue. Apart from generally allowing trade union freedom of association the government, through the Ministry of Labour, only insists that approval for donations be sought so as "to reduce possible abuse of responsibility of trade union leaders by

ensuring that the sources of funding are known and the purpose to which this fund is to be used is clearly in line with the interests of the nation"¹⁰². But it is precisely because the NRM has generally guaranteed the organisational freedom of trade unions that since 1986 the AALC and ICFTU in particular have made a big comeback. Relations between Uganda's unions and foreign ones will therefore depend also on the eventual position that the NRM takes on the issue. The important point however is that legal control over foreign aid for the trade unions has generally been focused on implications for government security rather than wider ideological implications for the trade union movement. For the unions and NOTU in particular the question is whether they can maintain their non-aligned position and develop the capacity for self-reliance.

(c) TRADE UNION EDUCATION AND IDEOLOGY

Although several western trade union organisations have been involved in organising educational courses for the trade union leadership and to some extent the rank and file in the 1980s, again the most important have been ICFTU and AALC. To a lesser extent the CTUC (Commonwealth Trade Union Council) FES (Frederick Ebert Stiftung, German) OATUU and the AUCCTU have also been involved. The courses have been organised both locally and abroad.

From the mid-1970s ILO had begun to train NOTU Trade Union Instructors and continued to do so with the NOTU Five Year Workers' Education Programme between 1983-1988. Other courses organised by NOTU and different sponsors have involved national union leaders, branch leaders, the rank and file (to a limited extent) and the development of study materials (see: NOTU: 1985: 1987(a); 1987).

Education courses have focused mainly on union leaders at all levels and this is why the character of the unions has been greatly influenced by this education. The lecturers and teachers in these courses have been from the donor organisations, the local Trade Union Instructors, the Ministry of Labour and occasionally from Makerere University.

The overall result of these courses has been to buttress the ideology of economism, a type of trade unionism that eschews politics. At the same time the local Trade Union Instructors trained by the ILO since the mid-1970s have generally taught and passed on the tripartite consensual view of trade unionism. The type of trade unionism taught has thus been essentially technocratic and has encouraged careerism on the part of union leaders. On these issues the sponsors of the courses, the local Trade Union Instructors and the Ministry of Labour have been generally agreed. A look at the course contents may illuminate these points.

R.W. Kasozi NOTU Director of Education for a long time (1975-1986) described the role of trade union education thus:

trade union leaders should be able to understand their responsibilities and to have the necessary knowledge, abilities and skills to discharge their duties efficiently. There is also a felt need to equip workers with the appropriate tools to enable them to understand the problems of environment, their rights and obligations and their responsibilities towards their trade unions, enterprises and society.

Consequently trade union education should aim at giving knowledge of: trade union law, how to keep records, the conduct of meetings, the collection and control of union funds, public speaking and organisation¹⁰³.

Indeed this is what trade union education has essentially consisted of. It has generally lacked analysis of the historical development of trade unionism, the struggles that had to be waged outside and within Uganda by workers to achieve rights to organise, to bargain collectively and to advance, in some countries, to the taking of political power. Although it is not doubted that technical education is useful and necessary, to limit courses to this conceptualisation of trade unionism narrows the scope of trade unions' role in society unnecessarily. Courses have also generally covered topics such as the scope of trade union agreements, the nature of the Social Security Fund and the description of international trade union organisations¹⁰⁴. In short the status quo is treated as natural and the bottom line of trade unionism is seen simply as the acquisition of negotiation and administration skills, learnt almost professionally, to improve the living conditions of workers without any questioning of the broad economic and political status quo.

Although a couple of trade unionists have attempted a class analysis and tried to view trade unionism in all its ramifications, including the legal regulation thereof in a definitely historical and materialist perspective, their analysis still remains too fragmented and unsynthesized¹⁰⁵. The assessment of the NOTU Education Programme 1983-1988 by a Makerere Professor is indeed pertinent:

The sort of workers education you have been giving is going to create a trade union movement without a sense of purpose or direction. It is the dynamic aspect of trade unionism, as an understanding of combination as a means of self-transformation, that is the key casualty in a technocratic and bureaucratic conception of workers' education.

It is not enough for workers and their leaders to acquire techniques of collective bargaining. They must also develop, through the process of education, an agenda for change on all fronts: legal, economic, social, cultural. And this awareness must be rooted in an historical understanding of both the society and their struggles in it. (M. Mamdani, Weekly Topic Vol. IV, No. 33, 4 May 1988: 10).

Thus because of reliance on foreign aid for its administration NOTU which runs most of the educational courses for all trade unions has also been subjected to an ideological conception of trade unionism that emasculates workers' struggles and seeks to subordinate them to the economic and political status quo. Thus although in the 1980s the trade unions fought against state incorporation, their ideological self-conception, based on ILO and AALC/ICFTU tripartism and economism respectively, appears to have prevented them from viewing themselves as part of a process of social and political change in which they could play a distinct role as organised representatives of labour. For our immediate purposes, we contend that it is essentially this quiescence in the status quo and narrow ideological self-conception that has prevented or at least seriously hampered the trade unions from pressing for the long-overdue legal reforms. It is to this question that we now turn our attention.

4. TRADE UNIONS AND LAW REFORM

Although the 1980s have been a difficult period for Uganda's trade unions especially due to the economic crisis and political repression, as far as law reform is concerned what has mainly hindered progress has been the trade unions' conception of themselves, their methods of struggle and general acceptance of the existing political economy.

The issues to which labour law reform and law reform generally were pertinent in the 1980's have been: the demand for increased workers' participation in enterprises and other institutions, the demand for compulsory check-off for all workers, the demand for a general labour legislation review and unionisation of Bank of Uganda employees. The content of the unionists' demands especially their narrow and bureaucratic conception of workers' participation was a measure of the limitations of their training and education.

The persistent demand since the 1970's and which continued into the 1980's was that unions should be represented on Boards of Directors of public corporations and that their representation in tripartite bodies should be extended. But because the Labour Advisory Board, appointed in the early 1980's to replace the LCC, was actually never called to meet, union demands were now made through correspondence at seminars and May Day rallies¹⁰⁶. However government view remained that appointments to Boards of Directors or even tripartite bodies like the Social Security Fund was ministerial prerogative and workers or unions could only be given the privilege to suggest names¹⁰⁷.

On May Day 1985 the trade unionists expanded their demands for incorporation within state economic and political institutions. They called upon the Government "to consider appointing more women workers to participate in decision-making bodies such as Boards of Directors, School Boards of Governors and other decision-making organs" and since "UPC is a party of the workers and the workers are one of the pillars of the Party, in that regard the Government should seriously consider appointing two workers representatives to Parliament since parliament is one of the top decision-making

bodies"¹⁰⁸. Some of these changes, especially the later would have required some legal amendments, in particular to the Constitution. However the point is that the initiative was left to the state while the demands themselves were incorporationist and would not necessarily help advance workers' interests. What input could two appointed M.P.s make in a 126-member parliament? A case in point was that in spite of the presence of the NOTU S.G. on the National Housing and Construction Corporation Board this parastatal had never made any programmes for the housing of workers (Interview S.G., NOTU, September 1987).

The second demand was that government should "make legislation on the introduction of direct check-off system which should apply to all workers"¹⁰⁹. But the unions had failed to use even the available law to improve their revenue. In many cases employers never sent check-off monthly dues or delayed to do so where union members had consented to the check-off. Prosecution could have been urged by the trade unions under regulation 5 of the S.I 71/1974. In fact the Labour Commissioner often reminded both the unions and employers of this regulation¹¹⁰. The union leadership's failure to mobilise workers to pay their dues or to pressurise employers to submit the dues paid was apparently related to the unions' reliance on foreign funding. As we saw NOTU in particular relied for more than 90% of its income in the mid-1980's from foreign sources.

The third and more general union demand was that a review of all the labour legislation should be made. Consequently on May Day 1984 President Obote promised a review and update. Then the Labour Commissioner wrote to both NOTU and FUE:

I should be very grateful if you would let me know any suggestions of the sections of the labour law you would like to see amended or improved and how this should be done. You are aware that the Workmens' Compensation Act is already in the pipeline but your suggestions are welcome all the same. The labour legislation to be considered are as follows:

1. Employment Decree and Employment Regulations.
2. The Minimum Wages Advisory Board and Wages Councils Act and Rules.
3. The Trades Disputes (Arbitration and Settlement) Act.
4. The Trade Unions Decree and its Regulations¹¹¹.

The Labour Advisory Board which replaced the LCC never met to consider and review these statutes. It seems here too that as with the Industrial Court government was not ready to reactivate an institution where an essentially anti-government union movement could officially express its views which would be given greater legitimacy in a tripartite forum.

Although NOTU itself belatedly appointed a three-man Committee of trade unionists in 1986 to make proposals for the labour law reforms (NOTU: 1987: 7), by the end of 1987 the Committee had done no work at all. NOTU in fact appeared overwhelmed by the whole idea and seemed not to know what to do. I suggest that it is essentially because the unions had already ideologically straitjacketed themselves and expected most initiatives to emanate from the state that they had no alternative programme of their own for the reform of the laws that affect them everyday¹¹². After all apart from some complaints on specific legal provisions they took the legal status quo itself as natural.

Finally, a clear manifestation of the trade unions' acquiescence in the status quo has been their failure to advance the case for unionisation of Bank of Uganda employees. Decree 29 of 1973 apart from maintaining that the Armed Forces, the Police Forces

and Prison Services could not form or belong to trade unions had also included the Bank of Uganda in this excluded category (S.1(ff)(i); see also S.72(1)(b) Decree 20/1976). Thus no employee of the Bank could join a trade union. The ILO, apparently since 1979, in its Direct Request to the Uganda Government on the application of Convention No. 98, ratified by Uganda, has always demanded why the bank employees have been denied the right to bargain collectively through a union (M. L.: 1977-1980). Since 1980 the Ministry of Labour's annual reply to the ILO request which has continued has been standard, namely, that "the Committee's comments have been noted and arrangements are under way to present the matter to the relevant authority for decision" or that "inter-ministerial consultations on the matter are still continuing" (M. L.: 1980-1986). Each copy of the Ministry of Labour's Annual Report on ILO Conventions is sent to both NOTU and FUE. Yet both NOTU and NUCCTE (under whose organisational jurisdiction Bank of Uganda lies) have made no effort to demand from governments that the bank employees be allowed to exercise their rights to organise and bargain collectively.

5. TOWARDS THE FUTURE: TRADE UNIONS AND FREEDOM OF ASSOCIATION UNDER THE NRM GOVERNMENT 1986-1987

The most important contribution of the NRM-led government since January 1986 to the trade unions is that their freedom of association has been effectively restored. In this context the Industrial Court, having been revived, has also made some awards which have further enhanced union and workers' organisational rights especially the level of unionisation in private enterprises.

However in spite of these positive developments the NRM itself lacks a clear programme for workers and trade unions while the unions themselves are still essentially tied to their economicistic, technocratic and tripartite ideological self-conceptions. This has meant that very little has been done to advance workers' organisational rights. Thus in spite of the labour legislation review process the unions have not yet put out those restrictive aspects of the law as areas for amendment.

(a) FREEDOM OF ASSOCIATION

It is now acknowledged by the trade union leaders and the membership that they are free since 1986 to organise without government interference. No attempt to divide, take over or incorporate trade unions in the NRM or government had been attempted by the end of 1987. Indeed as the Prime Minister argued on Labour Day 1987:

Since we came to power, my Government has unleashed the restrictions and political bondage that characterised the past regimes. Workers have been asked to exercise their democratic rights and elect leaders of their choice. By July 1986 all except one union (UPEU-JB)... had elected their leaders in a democratic way¹¹³.

That this was so was confirmed by NOTU (NOTU 1987: 6) which was a great advance on the 1980-1985 period when ADCs could be held only with ministerial approval and most of which were never held.

A clear case of government interference in union rights had been the banning of trade unionism in the Co-operatives. Sometime in 1985 the Minister of Co-operatives and Marketing had proposed a scheme allowing workers to buy shares in co-operatives. This would be so if the trade union in the co-operatives was banned¹¹⁴.

Immediately the Minister's proposal was acted upon and managers of various co-operative unions refused the trade union to negotiate with them¹¹⁵. Although the civil servants in the Ministry of Labour made it clear that such a ban on trade unionism was contrary to the law (S.56 Decree 20/76) and advised the offending Ministry to follow the law¹¹⁶ the Ministry refused to comply. The National Union of Co-operative Movement Workers (Uganda) (NUCMW(U)) resumed its collective bargaining role and held their first ADC since 1978 only in July 1986 following the NRM take over¹¹⁷.

NRM accession to power has also created an atmosphere in which the Industrial Court operates freely. Of particular importance since 1986 are two awards which have enhanced the organisational rights of workers and trade unions. In Uganda Electricity and Allied Workers' Union v. Uganda Electricity Board (Trade Dispute Cause 2/1984) determined in 1986, the respondent Board inter alia claimed that because some earlier awards in the 1960's and 1970's had held that housing and housing allowance were not a contractual right but only gratuitous the question could not be re-opened. The claimant union on the other hand sought to make them a condition of service and as such negotiable. The Court awarded:

We do not accept that industrial or labour awards will ever be made which will forever deny workers the right to bargain or negotiate collectively to obtain better and reasonable conditions of service from their employers... We reject the Respondent's proposition and position on this point and award that the union is not barred from undertaking collective bargaining on behalf of its members (p.11).

Referring to S.56 of Decree 20/1976 which guarantees rights of freedom of association the Court also observed:

One of these rights is the right to bargain collectively through chosen representatives. Any attempt by an employer to interfere with the right to collective bargaining or negotiation outside the ambit of the law is illegal and is indeed declared a criminal offence under S.56(3) of the Decree (p.8).

Thus the right to expand negotiable issues including those previously considered non-negotiable was positively affirmed.

However for organisational purposes the most important award is Amalgamated Transport and General Workers Union v. The Oil Industry Joint Industrial Council (Trade Dispute Cause 3/1986). The central issue was the right to join and be represented by a union, in particular the basis on which an employee in the private sector is eligible to join a union. This in turn revolved around the definition of "supervisory" and "managerial" grades. The Court awarded inter alia 1) that the definition of "supervisors" as part of management in the 1981 Recognition Agreement was too wide; 2) that the indiscriminate, total and automatic exclusion by the respondents of every Assistant/Deputy Head of Department and all "immediate supervisors" without any reference or further inquiry as to the actual and precise nature of the functions assigned to any of them in the ordinary course of employment was unwarranted (p. 100). Finally the award overruled the wholesale exclusion of employees from union representation simply because their duties were confidential or supervisory or because they were professionals or university graduates. This award seems to have resolved the issue, in broad terms, as to who is unionisable in the private sector, an issue that has dogged the union movement since the 1960's (see ¹⁴⁰ *supra*, Cap III: p.140). This award has allowed employees hitherto excluded from union membership by Recognition Agreements to join

unions. In particular it enhances the security of the hitherto non-unionisable employees often called "middle management" and should further strengthen the unions themselves.

Another advance by NOTU is that in 1987 following a number of years' agitation by women trade unionists a NOTU Women's Wing Department was constitutionally created¹¹⁸.

Finally, in general NOTU and its affiliates can freely express their views and opinions. Unlike in the past for instance NOTU is now able to prepare and read its own May Day Speech without censorship from the Ministry of Labour¹¹⁹.

(b) THE LIMITATIONS OF TRADE UNIONS AND THE NRM

Although freedom of association has been guaranteed for the trade unions, this freedom has not been further advanced so far due to the political and ideological limitations of both the trade unions and the NRM. Three crucial issues which have so far arisen do bring out this point very clearly.

The first one is the question of industrial democracy. The NRM generally subscribes to the concept of grassroots democracy. Thus Resistance Councils and Resistance Committees form the structure for this form of popular democracy from the village level to the National Resistance Council (NRC) or parliament¹²⁰. It was therefore suggested by some NRM leaders that Resistance Committees (RCs) be established in industries and workplaces to oversee management, fight corruption and assist in the democratic running of public corporations¹²¹. But most trade unionists came up against the establishment of RCs in workplaces arguing that they would duplicate work and cause divisions among workers as the UPC Workers' Council had done. R. W. Kasozi, S.G. of NOTU put it this way:

Recalling the incidents of UPC Workers' Council as a deadly monster towards the trade unions between 1981 and 1983, NOTU has successfully convinced the NRM Government that the trade unions should serve as Resistance Committees and Councils at all workplaces where trade unions are recognised... It is now up to us the trade union leaders to show the government that we are really resistant and there is no need for duplication of effort in industries¹²².

The limitation of the debate here is that it has been too narrow. The union leaders have been concerned mainly with protecting trade unions as institutions though to some extent genuinely trying to avoid political divisions among the workers. But they have forgotten two things. First, that RCs are essentially democratic organs unlike the UPC Workers' Council which openly sought to divide workers on partisan lines for the benefit of the ruling Party. Secondly, RCs would have included even non-unionisable employees and are not sectarian since they embody all shades of political opinion. The narrowness of the debate on the part of both the unions and the NRM is that the whole question of industrial democracy in a wider sense has not been raised by either of them. RCs and trade unions need not be seen as the only alternatives of democratising industrial relations or enhancing workers' rights especially in the decision-making process.

The second issue is the political role of trade unions. The trade unions as under Obote have come out only to demand more participation in Boards of Directors of public corporations, tripartite institutions and parliament¹²³. A few of the union leaders nonetheless were opposed to incorporation and argued that worker directors would only be used to rubber stamp the decisions of other classes against workers' interests¹²⁴. This is only an attempt to simply improve on the status quo without questioning it. The trade unions have done very little to link up with other social

struggles, especially as they represent a very small minority in the whole of Uganda. These could be professional associations, women's organisations and peasant organisations. But because of their ideological values inculcated for a long time unions still view their role simply as technocratic organisations and tripartite partners. The education the unions receive therefore needs a fundamental re-thinking.

On its part the NRM in spite of being the most radical political organisation to come to power in Uganda since independence has no clear programme or role for workers. Its basic policy document does not give them or trade unions any specific role (Y. Museveni 1986). The main reason for this appears to be because the NRM organised itself as a guerilla movement (1981-1986) mainly in the countryside and among the peasantry. Even in a seminar organised for the trade union leaders on the NRM - Ten Point Programme, the NRM leaders did not show that they envisaged any specific role for organised workers or the trade unions (NOTU 1987(b)).

Finally because of lack of a clear positive policy for workers on the part of government and the trade unions' own weaknesses and especially ideological limitations, the industrial relations legal framework erected between 1963-1976 is still in place, intact. As indicated before (p.338-'39) in spite of the labour legislation review process initiated in 1984 following trade union complaints and demands, by the end of 1987 the unions had failed to provide their own views as to which aspects of the labour laws should be amended. Some of these aspects relevant to organisational rights are indeed obvious. First, the dispute settlement process is still too long

and cumbersome and this is partly why all the strikes that take place are unlawful. Secondly, the essential services where the right to strike is effectively non-existent, are too many (Cap III: 163). Thirdly, apart from group employees, the public service employees are prohibited from joining trade unions (Cap III:183-'4) and at the same time they cannot go on strike. Finally although ILO Convention No. 87 need not be ratified in its entirety, provisions from it could be incorporated in national statutes to enhance the organisational independence of the unions.

It is important to stress here that the limitations of trade unions are essentially limitations of leaders. Workers have sufficiently demonstrated their disagreement with the restrictive legislation especially by taking unofficial and illegal industrial action. But for rank and file views to be taken on board by the union leadership a democratisation of the unions themselves is essential. Such democratisation would ensure that existing rights and those that may be won in future would be defended by the majority of workers in case of attack.

So, although the NRM has created a political context in which existing organisational as well as other rights may be enjoyed by workers and trade unions, for the trade union movement to strengthen its position and effectively protect and champion workers' interests, there is a need to change its ideological and political outlook. At the same time, as a small segment of society, the unions and workers generally may need to link up with other social organisations for purposes of mutual solidarity.

CONCLUSION

The period 1980-1987 has generally shown the extent as much as the limits of state intervention in union affairs and their freedom of association. In this period the level of resistance to such state intervention among the unions developed to a higher level. However the ideology of economism prevented the trade union movement from forming a Labour Party in 1980 or at least adopting a unifying political programme which made it easier for the ruling UPC Party to adopt a divisive partisan strategy by creating UPC organs especially the UPC Workers' Council to counter the legal trade union movement. The regime also attempted through illegal means, an opportunistic use of law and repression to subject the anti-UPC unions, which were in the majority, to the regime. But in spite of the regime's disregard for the law the independence of the trade unions was generally preserved due both to the contradictions within the UPC regime itself and the firmer resolve of the trade union members and their leadership. The success of the trade union movement in retaining its autonomy before 1986 was therefore a result of their ability to take advantage of political contradictions within the ruling UPC and, more importantly, their constant defence of trade union rights even in the face of repression. However political intervention aside, intra-union leadership struggles, at times fuelled by foreign trade unions with their own motives, have also independently contributed to the weakening of trade unions.

Further in this period the legal dispute settlement process was rendered redundant by the collapse of the economy and high rates of inflation which required constant adjustments of workers' terms and conditions of service which the long dispute settlement procedures

could not do. But besides this, the Industrial Court, the final arbitration body in industrial disputes, was effectively suppressed by the regime between 1981-1984 for fear that it could be used by political opponents. Economic imperatives and political calculations of the regime thus made the law superfluous in this respect.

But it was not only political interference and the economic situation that constrained the enjoyment of existing legal rights by workers and trade unions. Financial dependence on and ideological influence of foreign, especially the western AALC and ICFTU, unions have had a crippling effect on Uganda's trade unions. The ideological influence comes mainly as a result of the financial dependence of the unions especially NOTU on foreign donations. This influence has been manifested most intensely around the question of affiliation. Affiliation or even close relations to the ICFTU in particular, against both Uganda government policy and OATUU policy for a long time, subvert the independence of the union movement on the one hand while the trade union education given buttresses the economicistic and technocratic ideology of the ILO and the western unions generally. It is essentially this narrow ideological self-conception that has constrained Ugandan unions from developing both political and legal programmes to advance workers' interests whether alone or in concert with other social organisations since the working class is only a small fraction of Uganda's populace. Similarly the freedom of association generally guaranteed for the unions by the NRM since 1986 has not been fully taken advantage of as a result, to a large extent, of the narrow self-conception of the unions themselves. But equally this is as much due to the

limitations of the NRM itself which by the end of 1987 had a policy vacuum vis-a-vis trade unions and workers generally.

In general then what determined the survival of the legal autonomy of the trade union movement after 1980 was a constant struggle against political and illegal interference and repression. While economic imperatives contributed to the redundancy of certain aspects of the law, in general political interference seemed preponderant. But the end of political interference has not proved sufficient to advance the legal organisational rights of trade unions and workers generally. Their own ideological limitations in circumstances of relative freedom may prove a more enduring impediment than political intervention. But while an environment of political freedom is essential for a legal and genuinely autonomous existence and operation of trade unions, it is not sufficient. Disputes outside the law have continued since the NRM came to power due to the continuing economic crisis. The enjoyment of organisational rights therefore seems to be more dependent upon the character of government and state while the operation of the industrial relations legal framework depends more on economic stability. Needless to say a continuing economic crisis may also lead the state to encroach upon workers' organisational rights in the long run.

NOTES - CHAPTER V

1. See M. Twaddle: 316; D.W. Nabudere 1988: 302-303; 1980(a); 12-52; E. Rugumayo 1981; and Africa Confidential, Vol. 22, No.4, February 1981.
2. Information from R.W. Kasozi, then NOTU Director of Education. He attended the meetings for the formation of a Labour Party and of UPM itself; also N. Owora official of the Building Union, August 1987.
3. Uganda Gazette, Vol. LXXIII, No.52, 1.12.1980 in Commonwealth Secretariat 1980: 232-234; NOTU Secretariat Sources.
4. D. Wogute, NOTU, S.G. to Minister of Labour, 5.10.1981, NOTU: M.L. (1975-1984) FILE.
5. R. Oron, UPC, Pamba Textiles Limited, to the Secretary UTGWU, 26.11.1981, UTGWU: PAMBA TEXTILE FILE (1981-1984).
6. UPC UGIL Branch Leaders (Signed) to G.S., UTGWU, 12.10.1981, UTGWU: UGIL FILE (1977-1987).
7. UGIL, UPC Branch C/Man, D. Mudde and other leaders, to S.G. NOTU, c.c. G.S. UTGWU, Personnel Manager, UGIL, Regional Secretary, UTGWU 4.11.1981, *ibid*.
8. NOTU: The Report about the OATUU/NOTU Education Seminar, for Chairmen and General Secretaries of all affiliated unions of NOTU from 28-30th July 1983 at Jinja Town Hall: 6.
9. S.O. Ariko, Minister of Justice/A-G to UPC Workers' Council, UPC HQS, c.c. The Minister of Labour, A. Butele; the Minister of Industry, A. Tiberondwa; D.O. Lakidi, UPC HQS; The Secretary Mobilisation Bureau, UPC HQS, 21.4.1982, URWU FILES.
10. S.A. Okolimong to Deputy Minister of Labour 4.4.1983, NOTU: M.L/I (1980-1983).
11. NOTU: Acting National Chairman's Speech to NOTU's Delegates Conference ... 17.3.1984; though the Speech was never delivered as the Ministry of Labour refused the ADC taking place, the dominant NOTU position is articulated.
12. H.K. Tungwako, M.P., Deputy M/L to NYTIL in F.C.K. Odongo, Personnel Executive, NYTIL to the G.S. UTGWU, 8.2.1982, UTGWU: NYTIL FILE (1980-1984).
13. See NOTU Constitution Art.5, G.L. M. Odongo Acting L.C/Registrar of Trade Unions to All General Secretaries of Registered Unions and NOTU 3.8.1984, NOTU: M.L. FILE (1984-).
14. K. Ojambo for L/C, to All G/Secretaries, Registered Unions 3.2.1982, NOTU: M. L/1 (1980-1983).
15. G.L.M. Odongo, Acting L/C, to S.I.R.O., Kampala, Mpigi, Jinja, District Labour Officer, Kasese, C.C. NOTU, 2.8.1984, NOTU: ML/1 (1984-1987).

16. Examination of M/L records, August 1987.
17. S.A. Okolimong to P.S. Ministry of Labour, A.T. Hairora and latter's reply 13.4.1984; A.T.K. Hairora to Acting S.G. NOTU, 9.5.1984, NOTU: M.L (1973-1984).
18. S.A. Okolimong to P.S. Ministry of Labour, NOTU: M.L FILE (1984-).
19. A.T.K. Hairora, P.S to Acting S.G. NOTU, n.d. 1984, ibid.
20. Y.D. Okot-Omara, Treasurer General, D. Wogute, S. General, E.K. Hall, Chairman NOTU to Minister of Labour, 6.1.1982, NOTU: M.L.I (1980-1983).
21. NOTU 1982: "Resolution in Honour of Brothers" and "Resolution on Violence in the Trade Union Movement".
22. Interview NOTU Secretariat and some members of CGC, NOTU, August 1987.
23. Uganda Resistance News, Official Newsletter of the NRM, Kampala, Uganda, Vol.1, No.3, October/November 1981: 11.
24. For some similar factors leading to the leadership struggles in Kenya unions, see R. Sandbrook 1975: 52-54.
25. D. Wogute, S.G., NOTU to Minister of Labour 21.1.1980, NOTU: UTG/TU9/38/80.
26. O. Omara, Treasurer-General, D. Wogute, S.G. and E.K. Hall, National C/Man, NOTU to Minister of Labour, NOTU: ML.I (1980-1983).
27. S. Batumbia, C/Man, UTGWU to Acting S.G., NOTU, 7.3.1982, c.c. Ministry of Labour, NOTU: UTG/TU/9 (1981-1987).
28. S.O. Okolimong, Acting S.G., NOTU to C/Man, UTGWU, 12.8.1982, ibid.
29. UTGWU vs. NYTIL and P. Amandrua, H.C.C.S. 9/1982.
30. See P. Amandrua, G.S., UTGWU to S.G., NOTU 10.1.1984; D. Okello for D.C., Jinja to L.C., M/L, 27.1.1984, NOTU: UTG/TU/9 (1981-1987).
31. S. Okolimong, Ag. S.G., NOTU to G.S., UTGWU, 13.8.1982, NOTU: ibid.
32. S.A. Okolimong to P. Mutete, G.S., UTGWU, 2.9.1983, c.c. M/L, AALC, ibid.
33. See P.K. Amandrua, to S.G., NOTU, 8.2.1984; P.K. Amandrua to C. Ford, ITG and LWF, 18.3.1985, NOTU: ibid.
34. R. Kasozi, S.G., NOTU: Statement, 2.10.1986, NOTU: INT/9A/225/86.
35. P.K. Mutete, ITG and LWF Representative, Zimbabwe to G.S., UTGWU, 21.5.1986, NOTU: UTG/TU/9 (1981-1987).
36. Interview P.K. Amandrua, December 1987; R.W. Kasozi, S.G. NOTU, August 1987.

37. 44 votes to 21, R.W. Kasozi: Statement, supra.
38. See, Education Secretary, ITG and LWF to S.G., NOTU 11.12.1986; P.K. Amandrua to C. Ford, 10.7.1987 replying to C. Ford's of 9.7.1987, NOTU: UTG/TU/9 (1981-1987).
39. C. Ford to Y. Museveni, President of Uganda, Telex, c. 1987, NOTU: ibid.
40. See for instance, P.K. Mutete to Production Executive, NYTIL, 20.5.1981, UTGWU: NYTIL FILE (1980-1981); P. Mutete to Ag. G/M, NYTIL, 5.5.1983, UTGWU: NYTIL FILE (1982-1986).
41. See e.g. P.K. Amandrua to G/M, NYTIL asking for "cloth assistance" for A. Kawoya, UTGWU Organising and Education Secretary, 12.6.1986, ibid.
42. P.K. Amandrua to G/M, NYTIL 23.5.1986; Interview P.K. Amandrua, December 1987.
43. D. Wogute to All Managements (10 listed) 28.9.1979, NOTU: UTG/TU/9 (1974-1980).
44. T.N.A. Rao, G/M, UB and HM Limited to G.S., UTGWU, cc. G.S. NOTU, Chief Shopsteward, UB and HM Limited 14.5.1982, NOTU: UTG/TU/9 (1981-1987).
45. S. Batumbia, amd P. Mutete to G/Managers, 13.1.1984, cc. S.G., NOTU: ibid.
46. For instance ULATI Limited, see P.K. Amandrua to G/M, ULATI Limited, 7.2.1984; Dr. A.K. Oteng, G/M, ULATI Limited, reply to G.S. UTGWU, 13.2.1984, NOTU: ibid.
47. URWU sources, November 1987; NOTU Secretariat, October 1987; URWU 1987: 11-12.
48. P.K. Katabulingi G.S., URWU to the Commandant, Uganda Railways Police, 20.9.1984, URWU: URP FILE.
49. A. Ejalu vs. P. Katabulingi, URWU and URC, C.S. No. 2076/1984; and A. Ejalu vs. URWU and URC, Civ. A. No. 8/1985.
50. P.K. Katabulingi, G.S. URWU to the Commandant...supra.
51. URWU 1985 (a): 7; see also P. Katabulingi, G.S. URWU, to RTUs, 21.3.1985, URWU: M/L FILE (1984-1987).
52. Interview P. Katabulingi, G.S. URWU, December 1987; Interview NOTU Secretariat, October 1987; the expelled Executives of Kampala Branch however denied the allegation.
53. See URWU (Kampala Branch), Former Kampala Branch Officials to Branch Secretary URWU, Kampala, 19.8.1987: 6-8; these promotions were acknowledged by P.K. Katabulingi, 23/11/1987.
54. See P. Katabulingi to J. Nduuru, M/D, URC 8.5.1985.

55. URWU: Minutes of the Chief Officers' Meeting held in M/D's Office, 25-7-1986, C.J.C. FILE 1987.
56. Uganda's foreign debt rose from US \$603million in 1980 to \$1,116 million in 1987 while the annual debt service rose from 6.7% in 1980 to 60% in 1988 (RU 1989/1990: 12; The World Bank 1989: 256-7, Table 21).
57. See for instance RU 1987/1988; J. Petras and D. Engbarth 1988: 106-7; on the general economic Crisis in Africa see, J. Ravenhill (Ed.).
58. I.C.C. 3/1979 Printers Union v. M/S Catholic Press, Gulu.
59. Eg. UTGWU disputes: Industrial Court Causes 4/1980; 1/1980; and 1/1982, M.L: 1983.
60. Interview Ministry of Labour Officials, August 1987.
61. RU 1989/90: 70; Uganda High Commission, London, Newsletter June/July 1989: 9.
62. C.R. Chandrashekan, Resident Director, MULCO to P. Amandrua, G.S. UTGWU, 15.10.1984, UTGWU: MULCO FILE.
63. Ben Olwa G.M. MULCO, to P.K. Amandrua G.S, UTGWU, 15.10.1984, ibid.
64. Forward 1987 : 6; Interview MULCO UTGWU Branch Officials 16/12/1987.
65. MULCO: Minutes of Management-Union Meeting held on 12.2.1985; Forward 1987: 6.
66. MULCO: V. Bhalla, G.M to G.S., UTGWU, 3.3.1986.
67. MULCO: UTGWU-MULCO Terms and Conditions of Service Agreement 7-4-1987.
68. MULCO: A Report on MULCO Textiles by the UTGWU Branch Executive 11-5-1987, UTGWU: MULCO FILE.
69. F.X. Kabale to G.M, MULCO, 22-8-1987, UTGWU: MULCO FILE; Interview MULCO Branch Officials 16/12/1987.
70. MULCO: Union-Management Meeting, 24-8-1987, UTGWU: MULCO FILE.
71. ibid.
72. URC: Special Meeting of the Central Joint Council held on Tuesday the 9th and Friday the 12th November 1982.
73. URC: Minimum and Maximum Wage Changes Between 1970-1987, F.X. Mubuuke, Deputy Chief Personnel Manager, URC to J.J. Barya, 4-7-1989.
74. URWU: National G.S's Report to the NEC Meeting in Kampala on 12.1.1985 and 4.1.1985.
75. ibid.; opponents of the URWU also partly accepted this explanation, see: UPWU (Union of Workers and Peasants of Uganda) to M/D, URC, May 1986, NOTU: URWU, URU/TU.1 (1984-1987).
76. URWU: National G.S's Report to the NEC Meeting...supra.

77. URWU: Minutes of the 21st Cabinet Meeting of URWU...on 19-9-1984, CABINET FILE (1984-1987).
78. D. Wogute, S.G. NOTU to Minister of Labour 9-9-1981, NOTU: ML.1 (1981-1983); NOTU: Acting S.G's Report of Activities to the CGC on 15.10.1982.
79. NOTU: Acting S.G's Report of Activities to the CGC Covering the Period November 1982 to August 1983.
80. NOTU: 1984(C); See also URWU: P.K. Katabulingi to S.G. NOTU, 23-2-1984.
81. OATUU: 1986; P.K. Uchanda, P.S. M/L to R.W. Kasozi, S.G. NOTU, 17-3-1987, NOTU: ML.1 (1984-).
82. P.K. Ucanda, P.S. M.L. to R.W. Kasozi 17.3.1987, ibid.
83. R.W. Kasozi to P.K. Ucanda 23.3.1987, ibid.
84. ibid.
85. Proceedings of NOTU ADC 15-10-1987, which I attended.
86. Observation to me at the close of the Conference.
87. P.P. Narayanan, President and John Vanderveken, S.G, ICFTU to S.G. NOTU, 22-8-1986, NOTU: INT. ICFTU FILE (1986-).
- 87a. On the concept of "trade union imperialism" practiced by ICFTU and AFL-CIO in particular, see R. Munck 1988: 193-195; H. Spalding 1988.
88. NOTU 1979(b): 3 and Appendix A "Disciplinary Committee's Report on African-American Labour Centre Cash Donation":3.
89. NOTU: 1984(c); Minutes of the CGC Meeting held on 10th March 1982:6; NOTU 1982;6.
90. J.P. O'Farrell, Executive Director AALC to S.A. Okolimong, Ag. S.G, NOTU 2-3-1984, reply to S.A. Okolimong to Ex. Director AALC, n.d; see also S.A. Okolimong to Ex. Director AALC 10.7.1984; and 15.8.1984, NOTU: AALC INT. 9E (1981-1987) FILE.
91. NOTU: Report on Personal Contacts made while in Geneva: 3-4.
92. NOTU: A Report of Mr. John Gould's visit and Discussions on 20th and 21st April 1982; P.J. Cannon, Representative AALC (E.A. Regional Office, Nairobi) to S.A. Okolimong, NOTU 30-1-1982, NOTU: AALC... FILE, supra.
93. NOTU: Report of the Visit of Mr. J.P. O'Farrell, Ex.Director AALC and Mr. Carl Wright, Director CTUC, to Uganda 1983, ibid.
94. P.J. O'Farrell, AALC to S.A. Okolimong, 7-3-1985, ibid.; NOTU: Acting S.G's Report to the CGC...1985: 11-12.
95. NOTU: A Record of Mr. John Gould's Visit and Discussions on 20th and 21st April 1982, AALC INT. 9E (1981-1987) FILE.
96. Uganda Times 14.12.1982; S.A. Okolimong to Deputy Minister of Labour 14-12-1982, NOTU: ML.1 (1980-1983).
97. R.W. Kasozi, S.G, NOTU to Executive Director, AALC, P.O'Farrell 13.2.1986, NOTU: AALC INT. 9E FILE op.cit.

98. NOTU 1987; R.W. Kasozi to P.J. O'Farrell, 13-3-1986 and 13-5-1986
ibid.; Interviews NOTU Secretariat and R.W. Kasozi, October 1987;
New Vision 13-10-1987; NOTU: Treasurer General's Report to the
NOTU ADC 1987.
99. See for instance A.T.K. Hairora P.S/M.L to S.G, NOTU and Ex. Director
FUE, 10-1-1984 referring to a similar letter of 1983, NOTU: ML.1
(1984-1987).
100. G.L.M. Odongo for P.S/M.L to Ag. S.G. NOTU, 5-11-1985, ibid.
101. A.L. Butele, Minister of Labour to Ag. S.G, NOTU 19-9-1984, ibid.
102. P.R.K. Uganda P.S, M/L to S.G. NOTU 7-5-1987, ibid.
103. R.W. Kasozi: The Essence of Trade Union Education, NOTU:
EDUCATION FILE.
104. See for instance, T. Ssentongo, "Negotiating Skills"; Deputy
Director of Education "Management of Trade Union Funds", A.N. Kato
"The Scope of Trade Union Agreement", S.S. Kiggundu, "International
Trade Unions Organisations", NOTU: EDUCATION FILE.
105. See for instance, E.Y. Baingana, "The Growth and Development of Trade
Unionism"; "Employer-Employee Relations and their Effects in
Organising"; "Major Provisions of Labour Laws in Uganda"; R.N. Ssenabulya,
"Trade Unions and the Law", ibid.
106. See for instance S. Okolimong to Minister of Labour 4-4-1983, NOTU:
ML.1 (1980-1983).
107. A.T.K. Hairora P/S, Ministry of Labour to Ag. S.G. NOTU 16-3-1983 reply
to letter dd. 16-3-1983 and rejoinder of 21-3-1983, ibid.
108. NOTU: Workers' Labour Day Message 1985.
109. ibid.
110. For instance G.L.M . Odongo Ag. L/C to Executive Director, FUE, c.c.
NOTU, 14-8-1984, NOTU: ML.1 (1984-1987).
111. Acting L.C. to Acting S.G. NOTU and Executive Director, FUE, n.d.
1984, NOTU: ML.1 (1984-1987).
112. Although it may be argued plausibly that due to a history of repression
the unions' main concern had been mere survival, it is clear that all
the courses run by NOTU in the 1980s focused on technical matters; the
failure of union education to treat labour law dynamically and as a
class, social and historical category led to the unions' static view
of law and inability to suggest reforms between 1984-1987.
113. S. Kisseka, Prime Minister, "Labour Day Speech", 1 May 1987:3, . . .
NOTU ML(1984-87).
114. S.A. Okolimong G.S. NUCMW (U) to Hon. Kanyomozi, Minister of Co-operatives
and Marketing, 10-5-1985, NOTU: Co-op/TU/4 FILE.

115. S.A. Okolimong to L/C, Registrar of Trade Unions, 28-8-1985, *ibid.*
116. G.L.M. Odongo, Acting L/C to Commissioner for Co-operative Development, Ministry of Co-operatives and Marketing 9-1-1986, NOTU: Co-op/TU/4 FILE.
117. NOTU: The S.G's Speech delivered at the 7th ADC of NUCMW(U)... 12/7/1986, *ibid.*
118. Amended NOTU Constitution, Art. 14(a)(vi); NOTU, 1987 ADC; see also R. Boyd 1989.
119. This was attempted in 1986 and rejected by NOTU: See Olweny C. for P/S to NOTU, FUE, 24-4-1986; R.W. Kasozi, S.G. NOTU reply 25.4.1986; C.A. Kizza-Kizito (Mrs.) for P/S to S.G. NOTU, 28-4-1986, NOTU: ML.1 (1984-1987).
120. On the origin and nature of Resistance Councils (RCs) see Y. Museveni 1986: 6-8; M. Mamdani 1988: 1173-1179; M. Twaddle 1988: 317-318; for more critical analyses, J. Onyango 1989; A. Berkley : 1988.
121. Minister of Labour, J. Bidandi-Ssali, in R.W. Kasozi, S.G. NOTU to All General Secretaries, NOTU Affiliates, 27-3-1986, NOTU: ML.1 (1984-1987).
122. NOTU 1987: 6; see also NOTU: R.W. Kasozi to all S.G's, Affiliated Unions, 5-8-1987, FAGPC FILE; similar views expressed by P. Nanumba and P. Katabulingi of the Electricity and Railways Unions respectively, December 1987.
123. NOTU: Memorandum to His Excellency the President of Uganda, Mzei Y.K. Museveni, 3/5/1986: 6, confirmed by other union leaders P. Nanumba, Electricity Union, P.K. Katabulingi, URWU and C. Bindeeba, Postal Union, December 1987.
124. P. Amandrua, G.S. of UTGWU and E.Y. Baingana, Director of Research and Economics, NOTU, December 1987.

CHAPTER VI: CONCLUSION

The legal regulation of trade union organisation in Uganda has passed through several distinct phases. Prior to 1945 the predominantly immigrant semi-proletarian labour was not susceptible to organisation and as such the enactment of the 1937 Trade Union Ordinance being a Colonial Office initiative did not have much practical impact. However from 1945, beginning with the General Strike of that year, wage-labour, in concert with the rising petty bourgeois politicians, began to assert itself and slowly raised its collective consciousness especially in the organisation of strikes. The growing militancy of labour from 1945 led to the enactment of protective legislation shelved since the 1930s. The beginning of a conscious effort by the colonial state in response to labour action was the enactment for the first time of the Trade Disputes Ordinance in 1949, amended in 1950, and of the new Trade Union Ordinance of 1952. It was a response to the struggles of workers in Uganda and East Africa generally but taking British colonial experience elsewhere as a guideline to their aims and content. The aim here was to use legislation to control labour action and organisation through constitutional and institutional channels.

The development of trade unionism in Uganda accelerated in the mid-1950s due to a growing industrialisation process, the consequent relative stabilisation of labour and the struggle for independence which enhanced wage labour's conviction about the utility of industrial organisation. The trade union movement was however carefully separated from political organisation and prevented from having any organic links with the nationalist political parties by legislative, political and ideological means. The state under the

1952 Trade Union Ordinance through the mechanism of compulsory registration and power to refuse or cancel registration of any union and other provisions defined the form and content of trade unionism allowed to exist. The objects of any union were also statutorily defined and could not include political aims nor could the unions fund political activity. Trade union economism was the ideological framework within which the law permitted Uganda's trade unions to develop. These aspects of the law were by and large effectively used.

However the actual ideological character that trade unions came to internalise was systematically taught and concretised by the ICFTU and other western unions through overseas courses for union leaders and above all through the ICFTU African Labour College established in Kampala in 1958. The organisational separation of workers in trade unions and the rising petty bourgeoisie, or middle classes, in staff associations meant that the trade unions were further detached from the concerns of the political leadership which was dominated by the petty bourgeoisie. The result was that both the legal definition of legitimate trade union function and the ideological conception of trade unions as mere economic organisations reinforced each other to create an essentially apolitical trade union movement.

The first decade of independence (1962-1971) saw two distinct phases in the law regulating trade union organisation and a struggle between the UPC-Obote I government and the trade unions. The post-colonial African government sought to make the trade union movement an ally of the government and attempted a tripartite conceptualisation of industrial relations through the encouragement

of the Industrial Relations Charter (1964) framework and the Labour Consultative Council (LCC). However the successful struggle for autonomy by the majority faction of the trade union movement, UTUC against the government-sponsored FUTU led to government change of strategy. The formation of ULC was seen by government as a means of instituting its corporatist policies of the Move to the Left Strategy (1968-1971) in which the trade unions were to be a component part. In this context the trade union leadership and probably other leading wage earners would be absorbed into the emergent bureaucratic bourgeoisie that would form or expand in the parastatals, co-operatives, government administration itself and the Party. The 1970 Trade Unions Act was an aspect of this strategy with regard to the working class. By accepting these corporatist policies the unions acquiesced in the destruction of their autonomy in return for the economic benefits of the 1970 nationalisations and integration, at least of the leadership, into the ruling class. Such incorporation was only possible, however, in the one-party state that had also been put in place, in which dissent and autonomous civil organisations had no place.

History however did not permit this scheme of things to develop. The Amin Coup of 1971 reversed the Move to the Left Strategy and created a different political environment for the trade unions. The Amin era also had two distinct phases for the trade union movement. Between 1971-1974 the regime still sought to create a social base to legitimate its existence and the Economic War was the main plank in this search for legitimacy. The trade unions, supported to a considerable extent by the civilian Labour Ministers, demanded a legal restoration of their autonomy, the reactivation of

their national centre and other rights negated by the 1970 Act. The Trade Disputes Act was also amended and the Industrial Court made more independent in response to the escalation of strikes by which workers hoped their grievances would be more quickly met. A conducive political environment was crucial in the restoration and extension of union rights and the liberalisation of the dispute settlement procedures. However as a result of the Economic War which destroyed industrial capacity and overall national economic performance, the managerial incompetence of the new employers (military and civilian), the regime came to depend upon force to sustain itself. Industrial relations were therefore militarised and the legal rights won, both organisational and procedural, for practical purposes came to be redundant. This was particularly so between 1974-1979 when the regime no longer depended on the consent of the civilian population but rather on the beneficiaries of the Economic War and the coercive arms of the state.

Nonetheless the union organisational structures set up and the statutory rights laid down remained in place and survived the regime. It appears in fact that because of the survival of a unified legal trade union structure, from 1974, the union struggles of the 1980s against state intervention were partly strengthened by the legal status of the official trade union movement. The basis of the 1980-1985 struggle between the majority of the trade unions and the Obote II regime was the latters' insecurity resulting from the highly controversial 1980 General Election results. The crisis of legitimacy for the Obote II regime was heightened by the armed opposition that was organised immediately after the elections. In spite of the attempt through the UPC Workers' Council and other

Party agencies to split and take over the trade union movement, as in 1964-1966, the move failed and instead, repression and an opportunistic use of law against the autonomous majority faction of the union movement were resorted to. It appears that it was due to opposition from various quarters, namely various armed organisations and the DP parliamentary opposition itself, that the union movement was able to effectively resist government and Party intervention.

However the democratic running of the trade unions was blocked by government prohibition of union conferences and leadership elections at all levels. While the government tried to use the law to justify its policies, for the most part it deployed and depended upon repression in order to keep the hostile trade unions under control. The importance of the character of a given regime and its impact on the level of freedom of association for trade unions and other civil organisations may have is underscored by the fact that the accession to power of the NRM/NRA in 1986 immediately created an environment in which freedom of association as stipulated by statute and the ratified ILO Convention No. 98 could be exercised concretely by the trade union movement.

Three important elements which are of lasting importance for the trade union movement however should be distinctly identified, namely: 1) the economic context in which trade union freedom is exercised, 2) the ideological self-conception of the unions and its relationship to the creation of legal rights, 3) internal union democracy.

The underdeveloped nature of Uganda's economy was the basis for the state's adoption of restrictive trade union and trade disputes legislation in the 1960s which restrictions were justified as

requisites for "economic development". Although the economic collapse of the 1970s negated the ideology of development, the objective material conditions arising from that collapse, together with a military dictatorship rendered both trade union rights and the legal dispute settlement process generally redundant. Equally the economic crisis of the 1980s - which seems set to remain in the medium term at least - and the economic uncertainty of enterprises have meant in this decade that the rights won by the unions in collective agreements could hardly be realised. Nor could the dispute settlement process properly operate to resolve disputes. Therefore for any return to a legal conduct of industrial relations to be possible the economic viability of enterprises must be assured. Without this legality in industrial relations must remain tenuous.

The second question concerns union ideology. Trade unions in Uganda have had two major sources of ideological outlook, namely the ICFTU and the ILO. From the mid-1950s to 1968 ICFTU dominated the scene of trade union education in Uganda and its ideology of a "free labour movement" was taken on by the UTUC because it coincided with its attempt to maintain independence from the UPC Obote I regime and against FUTU opportunism. From the closure of the ICFTU College and suspension of ULC in 1968 up to 1974 trade union education was in disarray. However after the formation of NOTU and the establishment of a Department of Education, as western trade unions were excluded from operating in Uganda under Amin, the ILO was the major source of trade union education. It is during this time that tripartism and a consensual view of industrial relations were systematically taken on board by the trade unions. Since then trade union

leadership has viewed trade union education as an exercise in technical leadership training. With the return of ICFTU and AALC as the dominant foreign sources of funding and trade union education in the 1980s the technocratic conception of trade unionism and little attempt to study and understand the legal, political and economic status quo have received a new lease of life and meant that the trade unions are still isolated organisations in Ugandan society. In particular their inability to learn from the historical processes by which their organisational and other rights (substantive and procedural) were won, compromised or denied, has meant that they have no programmes for change on the legal, political and economic fronts - programmes that would at least state their views or demands in these areas in their dealings with the political parties or any government.

The third issue is the character of trade union democracy. Since colonial times all governments have formally declared their support for union democracy in the interest of union members. Legislation has always contained provisions meant to ensure a certain level of leadership accountability to the membership. But all governments have never taken serious and credible initiatives to have these provisions applied. Besides, the union constitutions themselves do provide mechanisms for leadership accountability in addition to the statutory requirements. However since independence (1962) the union leaders have mainly concentrated on struggles for leadership while state and foreign union intervention, especially in the periods 1962-1968 and 1980-1987 have undermined both union unity and democracy.

The economicistic-technocratic character of trade unions has been essentially a result of ICFTU and ILO domination of union education while their undemocratic features have resulted from state and foreign union intervention or influence and the lure of union leadership per se. The re-assessment of the function of trade unionism in a broader social-political sense and hence a reassessment of trade union education, the struggle for self-reliance and genuine non-alignment and a re-consideration of union constitutional structures are moves necessary towards the creation of more democratic, politically and socially relevant, independent and non-aligned trade unions.

Several general propositions are deducible at a more abstract level from the historical spectrum of the legislation regulating trade unionism in Uganda and the contemporary character of trade unions both as organisations in themselves and in their relationship with the wider political economy, the state in particular.

First of all at the very heart of the legal and political obstacles the trade unions have historically faced in Uganda is the underdeveloped nature of the economy. In the 1960s the definition of development adopted by the ruling class and the related restrictive industrial relations legislation proved contradictory to the objective of peaceful industrial relations. The 1972-1973 Economic War whereby Uganda's industrial capacity drastically deteriorated and more recently the hostile international economic environment and internal political conflict have meant that the material basis for trade union freedom and industrial relations conducted within the framework of legality is still fragile. Thus although since 1986 the state has generally guaranteed rights of

union organisation, the economic demands of workers especially through industrial action cannot go on for long without provoking state attempts to curb freedom of association, even if this may be purely for economic reasons compared to the repression of the previous regimes that was mainly politically-motivated.

However, within the given economic parameters we argue that the most important determinant of the legal rights of union organisation, their scope and practical significance has been the character of the state. In spite of trade union protests against the limitations law placed on organisational rights under the 1952 Ordinance, the 1963-1965 legislation and in the latter case in spite of the support by the parliamentary opposition, the statutes as conceived by the governments were never modified. This was in turn a reflection of the weakness of workers as a minority class face-to-face with a state generally supported by employers.

Even more instructive is the failure of the trade unions to exercise existing rights in the 1980s before the NRM/NRA take-over in 1986. This was because the various regimes did not have sufficient pressure from workers and other quarters to respect legality. But it would be one-sided to say that workers and trade unions were always hemmed in by the state and were, as such, completely helpless. The period 1962-1968 in the UTUC-FUTU struggle, the liberal legislation of 1971-1974, the successful defeat of the UPC Workers' Council by the legal and official trade union organisations in the Obote II period 1980-1985 and above all the continued existence of an autonomous trade union movement for most of the period 1962-1987 and up to now, is testimony to a sustained level of organised labour's resistance to state intervention and attempts at subjugation.

This "triumph" of autonomous trade union organisation however depended on two other crucial factors. One of them was the fractionalisation and fragmentation of the various regimes and their social base especially as the periods 1962-1968 and 1980-1986 graphically show. Indeed the fragmentary character of the ruling classes or groups in Uganda since independence may be compared to the more relatively united ruling classes of neighbouring Kenya and Tanzania which have generally managed to subjugate trade unions through corporatist political formulae (R. Howard 1988: 241-242; R. Sandbrook 1982: 107-114, 203; B. Freund 1988: 100-102; I.G. Shivji: 1983). The second factor was that apart from the Amin regime the legal status of the majority factions of the trade union movement could not be completely bypassed. In this sense legal rights, even as a mere baseline of the right to exist, proved to be quite important.

The dialectical struggle between state and trade unions regarding the creation and utilisation of legal rights from the colonial period to date validates our initial argument that law, as shown by this study, is a class and political category. The various phases of the creation of statutory organisational rights for workers and the chequered history of the struggle for actual utilisation of those rights show that all depended upon the balance of class and social forces at any specific historical moment. On the part of the state the statutes were instruments deployed to achieve specific objectives - this was so especially with respect to the control aspects of the law. But from the point of view of labour the rights won and in particular the historical ability to maintain a legal and autonomous existence should be seen as a

political achievement. In this respect the Marxist view that law is an instrument of the ruling Class is modified because law here proved to be, to a considerable extent, an arena of Class struggle and could be positively useful to the dominated classes. Further, as regards the ideological aspect of law, the post-colonial state has not seriously attempted to advance legal ideology and give it a legitimating character in its industrial relations legislation and policy. Instead, alternative ideologies were attempted especially those of development, the construction of socialism and economic independence.

The other general proposition is that the historical educational and ideological training created a narrow self-conception by the unions. The union leadership created thereby has only an economicistic-apolitical view of trade unionism and conceived itself in a professional technical light while the actual socio-political conditions in which the unions exist have been ignored. Yet trade unions though representing a minority in Ugandan society have been probably the only historically continuous organisations in civil society amidst repressive regimes. It is their vision of society that has been a major handicap in their attitude to politics and its relationship to the economic issues. But precisely because the state has been most crucial in determining the scope of union rights and their utilisation in practice it appears to be all the more imperative for trade unions to consciously seek to influence the character of the Ugandan state in their favour. Further a broader view of their place in society would put them in a position to struggle on all fronts for positive change: legal, political, cultural and economic. But again as a minority their success may

only be assured if they act in concert with other organisations in civil society for wider socio-political reforms, organisations such as those representing women, professional associations, rural peasants and even students.

But besides the ideological limitations, constitutional structures and leadership struggles within the unions must be confronted. The historical record shows that lack of leadership accountability to the membership makes them susceptible to compromise through clientelist relations with management, government leaders and even foreign trade union organisations. A democratisation of trade unions is therefore a condition precedent to enabling themselves, as organisations, to re-define their role in society in a more progressive direction.

Thus in our view if the trade unions are to move beyond their current limitations on their agenda today are two broad questions. On the one hand they would have to develop political and legal reform programmes and confront the question of political power and how it is generally exercised, but in particular how it is exercised vis-a-vis them. On the other hand they would need to re-think their own ideological self-conception and to democratise their structures in order to involve their membership in any debates with the state about the economy or other programmes they may wish to adopt. Needless to say the continued defence of their legal status, organisational rights and autonomy is a critical baseline from which everything else has to emanate.

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