

A NEW HOPE FOR THE WORKERS OF UGANDA

BASIC INFORMATION ON THE FORMATION OF THE ALTERNATIVE NATIONAL CENTRE FOR FREE TRADE UNIONS IN UGANDA

**Why Another Trade Union Centre: the Philosophy and
Spectrum of Strategic Interventions to Revive Trade
Unionism in Uganda**

November, 2003

EXECUTIVE SUMMARY

In Uganda, we witness a serious crisis in the welfare and the terms and conditions of workers. Workers face deplorable working conditions and the situation appears to worsen every passing day. Many have questioned whether there are any solutions in sight or any way out of this quagmire for the workers.

The fundamental and permanent mission of advancement of the economic and social interests of workers is vested in the trade union movement. Yet, apparently the trade unions in Uganda, compulsorily affiliated by law to NOTU, are generally failing to advance workers' interests in total disregard to this mission.

An analysis shows that a great part of the spectrum of issues that constitute the crisis in the workers' plight survive basically because of the non-performance of the labour movement and therefore an efficient trade union organisation can do a lot to turn around the fortunes of labour in Uganda.

The problems of the Ugandan labour movement organised under the National Organisation of Trade Unions (NOTU) have severally been analyzed and remedial measures recommended. Unfortunately these recommendations have often been ignored.

The struggle by progressive trade unionists to revival the labour movement in Uganda has been a long one. The philosophical and strategic basis of this struggle is captured in various documents by the Information and Solidarity Forum, a group established as part of the process, and is partly contained in a 2002 publication entitled **"The Way Forward for the Labour Movement in Uganda: Why NOTU Must Change?"**

The production of that booklet marked the peak of the first stage of the struggle that basically involved constructive engagement and criticism and a struggle for change from within.

It was explained in that booklet "...After depicting the crisis facing the labour movement and handling the question of the inevitable issue at stake, which trade unionists of goodwill must resolve, it is argued in the booklet that something must be done now if the labour movement is to be saved from total annihilation. A call is thus sounded for trade unionists of good will to stand up and be counted in defending the cardinal pillars of trade unionism (independency, democracy and solidarity) without which no labour movement can stand."

While handling the question of the crisis in the leadership, it is argued in the booklet “... *It was because of the apparent direct role of the NOTU leadership in destroying the pillars of trade unionism that about 19 senior and top trade union leaders from 14 trade unions were prompted to write a strongly worded message on 7th February 2002 to the Secretary General officially registering their disappointment, announcing their loss of confidence in him, making it clear to him that he has betrayed trade unionism in Uganda and advising that he resigns in order to stop any further destruction of NOTU*”

The booklet in its conclusion noted, “... *The time to revive our national centre is only now and any delay is definitely very disastrous. The booklet to follow this one shall propose the urgent reforms which must form part of the new chapter which is to be opened: a new chapter that shall bury the past and establish a new era in the pages of history of NOTU to guarantee a destiny for workers in Uganda...*”

The booklet that was to follow “with the reforms” never came: a major persecution and attack bruised, scattered and temporarily halted the progress of the struggle.

It is very clear that the trumpet is loudly sounding calling for a revival in the struggle for workers’ rights in the country in the spirit of self-determination. Accordingly, the inevitable transformation of the labour movement into a progressive and vibrant one, capable of redressing the status quo, of mobilizing for social progress and of restoring equitable justice in the Ugandan labour relations environment, is critical if the trade unions are to remain relevant and pro-worker.

A new national center, The Central Organisation of Free Trade Unions (COFTU), has thus emerged with the overall mission of promoting viable, vibrant, democratic, free and independent national trade unions that shall formulate coordinate and mobilise a common united front for the broad coalition of positive democratic and developmental labour forces. The centre is poised to embark on an immediate task of addressing the status of workers in Uganda, resolving the underlying problems and elaborating a correct strategy for improvement of the welfare of the working population.

After a careful study and analysis, COFTU considers the crisis in the labour environment in Uganda as being propagated by a spectrum of factors that must be dealt with if the labour movement is to impact positively on the livelihood of workers. Accordingly, a Spectrum of Strategic Interventions in eight (8) key areas is necessary to revive and transform the labour movement and to set into motion the fundamental mission of advancing the social economic interests of workers.

This Spectrum of Strategic Interventions is an elaborate translation of the historic mission of COFTU: the interventions form the rallying cry of the coalition of pro-labour forces to erase the injunctions constituted within the age old labour movement internal rigidities so as to set into motion true advancement of the workers.

The Spectrum of Strategic Interventions clearly spells out the historic mission of COFTU as that of establishing a labour movement with the correct strategy of achieving true economic and social advancement of all workers.

The Eight (8) Interventions in the Spectrum are:

1. Restoring good governance and constitutionalism in the management of workers' organizations;
2. Promoting the development and defending the interests of independent trade unionism;
3. Establishment of a service oriented labour movement for the protection of workers' interests;
4. Strengthening the capacity of trade unions to deliver on the fundamental mission;
5. The philosophy of consolidating solidarity and synergy;
6. Networking and greater collaboration;
7. Restoring integrity and ethics in labour relations; and
8. Contributing to social transformation by improving productivity and service delivery.

The first Strategic Intervention is restoring good governance and constitutionalism in the management of workers' organisations.

COFTU is aware of the mismanagement and unconstitutional governance in the Ugandan labour movement due to a leadership crisis created by elements whose greed for power transcends the need to respect popular will.

NOTU has been characterized by several unconventional and unprincipled practices not worthy of a national trade union center. The leadership of the centre has for the last 8 years handled the affairs of the labour movement very much to the discontent of the affiliates. There is a consensus among honest trade union leaders and affiliates about the dissatisfaction with the level of performance at NOTU. The centre has been run in total violation of its own constitution and the trade union laws. Mandatory meetings of constitutional organs are never held and there is lack of transparency and accountability in all the organisation's operations.

These developments have crippled the labour movement in Uganda rendering trade unions less active with no credible and durable strategies.

COFTU shall undertake a deliberate policy of reviving true trade unionism by consolidating the existing positive structures and frame works of the labour movement and restoring the functional capacity of the organs of the independent trade union organisations. The challenge shall be returning management of the affairs of the trade unions to the popular masses of workers at the grassroots and within the rank and file.

The second Strategic Intervention is promoting the development and defending the interests of independent trade unionism.

COFTU recognizes that the trade union movement in Uganda is bedeviled with a serious level of patronage and loss of independence in violation of the international labour principles that require the preservation of the independence of trade unions if they are to carry out their economic and social functions.

In line with the International Labour Organisation (ILO) Resolution concerning the independence of the trade union movement, COFTU shall promote the development and safeguard the interests of free and independent trade unions in Uganda. As a condition for such freedom and independence trade unions, and affiliations, shall be constituted and managed on the sole basis of the solidarity and economic and social interests of workers and any cooperation with other elements whatsoever shall be done within the framework of this principle.

The third Strategic Intervention is establishment of a service oriented labour movement for the protection of workers' interests.

The fundamental function for which the labour movement exists is to protect the interests of its constituents. However, COFTU comprehends that there has been a failure to advance workers' interests, even under the eyes of workers' organisations in Uganda, in total disregard to the fundamental and permanent mission of the trade union movement. There has been failure to protect workers' leaders from the inherent risks, challenges and peculiarities in the nature and functions that these trade union leaders perform. This has resulted in many leaders being victimized, persecuted, attacked or affected in many ways on account of their trade union related functions while NOTU looks on or in some cases aggravates the situation. There has, further, been a failure to safeguard the interests of trade union organisations and NOTU has allowed and facilitated gross abuses to trade unionism and the principle of freedom of association.

COFTU appreciates that the gross mishandling of grievances in crisis to the disadvantage of workers leading to loss of jobs has left NOTU with no legitimacy and credibility to represent workers and that the current encumbrance within NOTU cannot enable it to rise to the task of delivering workers without a major overhaul.

The bedrock of COFTU is a correct strategy for effective advancement of the social and economic interests of workers. COFTU is thus committed to establish a democratic and service oriented national centre for affiliated trade unions so as to promote and protect these interests for all workers of Uganda.

COFTU is mindful of the new dimension of exploitation where, due to the neo-liberal economic policies, employers refuse to recognise trade unions and there has been a longstanding failure to review obsolete labour laws. This disturbing practice is simply unacceptable and it is a challenge that must be dealt with under a correct strategy. COFTU firmly believes that relieving the plight of workers lies in the desire and ability to resolve this question.

To ensure a commitment to the service of workers, the guiding policy stance of COFTU shall be establishing and re-orientating the broad alliance of positive democratic and developmental labour forces, towards focusing and prioritizing workers interests.

The fourth Strategic Intervention is strengthening the capacity of trade unions to deliver on the fundamental mission

COFTU recognizes that workers' organizational and structural framework in Uganda is greatly inadequate and that there are certain internal rigidities within NOTU that are a liability to the meaningful progress of the labour movement. The percentage of workers mobilized and registered into the trade union movement is exceedingly low in comparison to the total workforce. The current figure of 146,427 workers unionized under NOTU against a total labour force of over 10 millions (that is, less than 1%) is a denial to the workers, an appropriate vanguard in the struggle for their rights. The existing trade unions are not able to do much to recruit their potential membership because of several bottlenecks that the centre could intervene to assist. Union structures are further not organised adequately up to grass roots and few unions have mobilised workers in the grass root communities.

The national centre, (NOTU) is structurally organised only at the top level with no co-ordination and presence at the grass roots. NOTU structures do not provide for the rural sector workers, the informal economy workers, the women and the youths.

What exists in NOTU is simply an organizational structure but without the effective functional capacity of the organs. Throughout this whole process and painful workers' experiences, NOTU has conducted itself like as though it is at the cross roads, perplexed and has not intervened or provided direction to the unions on an effective way of engaging other development partners into any serious result oriented social dialogue so as to cater for workers' legitimate concerns.

The workers' representatives in Parliament have no organic link with the trade unions or other workers' movements apart from those to which they originally belonged.

There is a clear consensus among the various players in the social development sector about the failures in the labour movement. Among other things leadership wrangles, administrative problems and failure to adjust to the rapidly changing needs and conditions of the world of work have inhibited the trade unions' role of promoting workers' rights.

For the trade unions to gain legitimacy without effective involvement and active participation of their members is just not tenable. COFTU thus appreciates the urgent need to put a new face to trade unionism in Uganda in trying to mobilise all workers to join so that they can enjoy their constitutional rights. In doing this, deliberate strategies have been developed to assist affiliates in recruitment and organising of workers so as to expand trade union membership levels to at least 30% of the workforce in Uganda (that is, 3 million members) over the next 5 years including the empowerment of women workers, workers with disabilities, the elderly, the youth, rural workers and workers in the informal economy.

COFTU recognizes that without a clear strategic plan to expand the membership and modernize the operations of the organs of the trade unions, there is a danger of the labour movement becoming 'an elite club for the service of interests of a few individuals'. COFTU shall thus embark on a massive recruitment drive for its affiliates, shall open liaison offices at grassroots throughout the country and shall emphasize the need for building strong efficient pillars and organs of trade unionism. For this reason a consistent strategy to generate an internal capacity of self-sufficiency by strategizing for internal resource mobilization and pursuing a deliberate policy of capacity building for relevant organs is a fundamental question to be resolved.

COFTU shall build further on the experience of the struggle to consolidate and expand the already operational Information and Solidarity Forum for information exchange and democratic debate on labour issues so as to encourage regular interactions among workers, their leaders and the trade union organizations. A multi disciplinary approach, among others, is vital for the attainment of the stipulated objectives.

The fifth Strategic Intervention is the philosophy of consolidating solidarity and synergy

Solidarity is a fundamental pillar of trade unionism. From this perspective it could appear from the surface that forming another centre is against this principle. However when you analyse the practical reality on the ground, it can be

observed that another centre shall restore peace and true solidarity among the workers in Uganda.

COFTU is convinced that the way NOTU has been operated antagonizes the basic requirements for solidarity and has eroded all the fundamental principles of trade unionism. The centre is run on personalities in total disregard of the constitutionally established organs and working methods. Any views for change have been construed as enmity and disgruntlement.

This was the very situation and mentality that led to the nasty events leading to the ban of trade union meetings and to threats to life at the time of the agitation for reform led by informal groupings of trade unionists. The result of all these have been experienced in many ways. For instance the leadership at the centre has favoured and supported any thing seen as disorganizing and breaking up unions that seem progressive and not happy with the non-performance at NOTU. The principle of independence and self-determination has been greatly undermined in the way the centre operates and political patronage is becoming more and more pronounced every passing day. Whenever concerned trade unionists have argued for reform on the matters as stated, the result has been strife, disunity, disorganization and all similar things.

Donor funds have been utilized in a non-transparent manner for patronage, to disorganize other unions, to serve personal interests and recently for buying votes.

Lack of cohesiveness, perpetuated polarization of the affiliates, division amongst the leaders, intrigue, lack of team work through coordinated efforts in the various aspects of work, lack of proper skills in the management of NOTU affairs, 'double facedness', hypocrisy, and self serving leadership, lack of common vision, lack of planning including strategic planning, lack of equity, among others, have eroded the workers' unity and solidarity and thereby denied NOTU a legitimate role to effectively represent its members.

Given such a situation there were several options on the way forward: concerned trade unionists and affiliated unions struggling and mobilizing for change and revival from within; or unionists "resigning to fate" and participating in a conspiracy of silence; or unionists recognizing and taking advantage of the constitutional right and the freedom of association.

COFTU recognizes the constitutional right of the freedom of association and realizes that even though dialectically there is a fundamental and principled disagreement on the way affairs of labour movement are to be run, the spirit of brotherhood binds all trade unionists.

Genesis 13:7-11." And there was strife between the herdsmen of Abram's livestock and the herdsmen of Lot's livestock...Then Abram said to Lot 'Please let there be no strife between you and me, nor between my herdsmen and your herdsmen for we are

brothers. Is not the whole land before you? Please separate from me. If you go to the left, then I will go to the right, if you go to the right I will go to the left'. Thus they separated from each other."

Considering our situation and in line with godly principles it became clear that to avoid a vicious cycle of stagnation, strife and suffering in the labour sector it was inevitable for trade unionists and affiliated unions that realize that there is a problem to come together and work under a separate centre while those that feel things are moving on very well at NOTU remain and continue to perform at that level in NOTU.

Having separated, each centre then performs on its own while maintaining the overall trade union principle of non-antagonism along a solidarity path based on the principle of 'unity in diversity' and synergy.

Under the circumstances and given the state of affairs, the option of enjoying and employing the constitutional right and the freedom of association became more progressive in relation to other options. This was principally for the simple reason that it allows people who are genuinely in for the workers' cause and who are dissatisfied at the current level of performance of the current centre to be given an opportunity to make their contribution to the labour movement without threatening the existence of the conservative lot that may be convinced that the current operation of the trade union movement is at excellent levels, or those who think that things will improve under the same arrangement in NOTU or elements who are merely self-serving.

Because of a distorted attitude the option of struggling for change from within by concerned trade unionists and affiliated unions continuing to voice their concerns and mobilizing for revival was not tenable. Judging from past experience this would perpetuate the status quo, increase strife and divide the labor movement further given the unconventional responses by the leadership and the way voices for change have been construed as antagonistic forces rather than progressive ones. A lot of time has been lost in unproductive quarrels and infighting yet the status of workers continues to deteriorate. It has become apparently clear that it can not be possible for those trade union leaders that would genuinely want to serve the workers to express their views freely and work with the NOTU leadership under its current structures.

One of the main distortions of trade unionism in Uganda since its inception has been the spirit of "intrigue, mudslinging, blackmail, false accusations and similar vices" (**ILO/ NOTU Workers Education Assistance, 1998, "History of Trade Unions in Uganda pp. 58"**).

COFTU recognizes that one fundamental stronghold in these distortions has been entrenchment of a culture of divisionism.

A conscious policy to promote cohesiveness and solidarity of workers organised under the affiliated trade unions, encourage the spirit of oneness and improve capacity to manage diversity is being pursued. Part of this policy is reconciling all former adversaries and bringing to halt the vicious cycle of persecution.

COFTU shall further seek to endorse that discriminatory acts are not committed against any person by its organs, or members or officers or by employers or by the state and shall employ democratic and transparent methods of work.

The sixth Strategic Intervention is networking and greater collaboration

Networking and strategic alliances with other labour related civil society organisations is vital for a successful tempo against all forms of violation of workers' rights.

Although it is clear NOTU and its current leadership is limited in its capacity to handle all labour related issues, emergence of any other complementary organizations has been met with maximum resistance and with misleading information.

This conduct has tended to undermine programmes of these organizations in the field of labour and to isolate trade unions from other national social development partners.

COFTU appreciates that trade unions are the arbiters in the area of workers' interests. In order to improve on this function COFTU shall promote the development of networking and strategic alliances with other civil society organisations while maintaining trade union principles. The fundamental solution to the problems created due to past actions of NOTU shall lie in making deliberate efforts to build friendly relations in order to improve capacity for recognition by other stakeholders as partners in development.

The seventh Strategic Intervention is restoring integrity and ethics in labour relations

COFTU is aware that the modus operandi of NOTU has led to dissenting views breeding anarchy persecution, intrigue and divisionism. The type of leadership there cannot appreciate any constructive proactive debate.

COFTU is concerned that the 5th NOTU Quinquennial Delegates' Conference (QDC) held on 26th Oct 2003 in a fraudulent and undemocratic manner was a disgrace to trade unionism in Uganda and a symptom of the chronic distortions and long standing lack of popular participation of workers in matters of governance and self-determination in the labour movement.

Although, a proposal of filing a case in court to nullify the elections is definitely legitimate, on further analysis it was observed that such a move would deepen conflict and waste a lot of valuable time that would be used on other more important aspects of workers' development.

COFTU recognizes that credible leadership and transparent organs of the labour movement are key factors in the resolution of other questions.

Apart from the threat posed by the persecutions on workers leaders from without, the vice of compromise of union leaders by incentives and corruption needs serious attention.

Barya (2000) cautions, "...the leadership in trade unions has been compromised with incentives."

If these corrupt practices by trade union leaders are not checked, the whole representation process may degenerate into egocentrism or be compromised by capital. This is a challenge that has to be dealt with if the trade unions are to survive the test of time. COFTU believes that to tackle the problem of non-performance in the labour relations mechanism, corruption has to be eliminated at all levels of the employer-employee relations and industrial relations in general. COFTU is committed to the fight against corruption through its organs and affiliates and shall maintain the tempo of mass mobilization to enable rank and file workers to be vigilant and expose any corrupt tendencies.

There shall be a comprehensive approach to combat corruption by establishing mechanisms to check unethical practices of some leaders and by creating self-reliant trade unions, sharing common ethical values, standards and unity of purpose. To this end, a code of conduct for leaders of trade unions organised under COFTU is already being discussed within the organs. The fundamental solution shall be to build an integrity system that promotes ethical standards, good governance, social justice, social transformation and strong effective institutions and systems.

The eighth Strategic Intervention is contributing to social transformation by improving productivity and service delivery

Trade unions have an important role to perform in co-operation with other elements in promoting social and economic development and the advancement of the community as a whole in each country. In Uganda this has been relegated to the periphery.

COFTU considers the goal of development of society as the cornerstone in the trade union objectives as prosperity has synergistic effects for workers. In Uganda the growing unemployment is simply unacceptable as this is indeed posing a big danger where workers continue to be exploited under the pretext

that they are better off than their peers who lack 'the privilege of having a job'. As a challenge the labour movement has to ultimately establish a partnership with the state and other relevant actors to generate a strategy to deal with this problem.

Creation of a 'think tank' forum for addressing the unemployment problems in Uganda and to provide a data bank for employment, investments, and current trends in the market place, shall be a milestone in this direction.

COFTU shall, further, work to enhance skills of the active labour force and increase productivity through a participatory workers' education and training approach and to provide a forum for them to interact on developmental issues. Further, there shall be established deliberate measures to promote a savings culture, encourage the establishment of income generating activities including cooperatives for workers and generally provide socio-economic benefits to members.

The rise of this new centre epitomizes the long struggle for the workers of Uganda and deals a deathblow to the complex encumbrances within the crisis in the Ugandan labour movement.

The Central Organisation of Free Trade Unions (COFTU) is a result of the need to usher in a fundamental change in labour relations in Uganda on the basis of the concrete realities on the ground, a well-defined historic mission and clearly defined goals. The second stage of the struggle has been, thus, ushered in to help restore true trade unionism in Uganda.

I, therefore, urge the workers of Uganda and all trade unions to embrace this wind of positive change that will once again restore humanity, justice, social progress and independence to the entire workforce of Uganda.

“SOLIDARITY FOREVER”

**Christopher Kahirita,
Secretary General,
Central Organisation of Free Trade Unions, Uganda) -COFTU**

INTRODUCTION

In Uganda, we witness a serious crisis in the welfare and the terms and conditions of workers. Workers face deplorable working conditions and the situation appears to worsen every passing day. Many have questioned whether there are any solutions in sight or any way out of this quagmire for the workers.

The fundamental and permanent mission of advancement of the economic and social interests of workers is vested in the trade union movement. Yet, apparently the trade unions in Uganda, compulsorily affiliated by law to NOTU, are generally failing to advance workers' interests in total disregard to this mission.

An analysis shows that a great part of the spectrum of issues that constitute the crisis in the workers' plight survive basically because of the non-performance of the labour movement and therefore an efficient trade union organisation can do a lot to turn around the fortunes of labour in Uganda.

This document follows trade union consultative meetings held at various places in the country by senior trade union officials and other trade unionists of various ranks from different unions. The purpose of the meetings was to primarily review the affairs and performance of the labour movement in Uganda over the years and consider the manner in which the National Organisation of Trade Unions (NOTU) has been run. The meetings, after discussing the irregularities resolved to map out a way forward to save the labour movement from further damage.

These meetings were prompted by discontent from affiliates caused by many years of unresolved complaints about the poor management of the centre and affiliates. Because of the way delegates and the 2003 QDC program were manipulated, the same leaders were undemocratically and fraudulently returned into NOTU offices. A dialectical analysis clearly shows that such leaders would not work effectively and transparently to the workers' satisfaction.

This document, therefore, builds on the trade union history and acts as a basis for action by the concerned and relevant unions.

Although the document would look at other historical facts, it will mainly consider the events that have taken place for the period starting from 1996 when the same NOTU leadership assumed office. This period has had to be put under focus for the reason that, it has not yet gone down the history books of the labor

movement and yet the events under review are so unique that they need documentation for reference by the future generation. This documentation will also explain why certain actions, including the formation of an alternative national centre, are necessary to help restore true trade unionism in Uganda.

It is very clear that the trumpet is loudly sounding calling for a revival in the struggle for workers' rights in the country in the spirit of self-determination. Accordingly, the inevitable transformation of the labour movement into a progressive and vibrant one, capable of redressing the status quo, of mobilizing for social progress and of restoring equitable justice in the Ugandan labour relations environment, is critical if the trade unions are to remain relevant and pro-worker.

A new national center, The Central Organisation of Free Trade Unions, has thus emerged with the overall mission of promoting viable, vibrant, democratic and independent national trade unions that shall formulate coordinate and mobilise a common united front for the broad coalition of positive democratic, free and developmental labour forces. The centre is poised to embark on an immediate task of addressing the status of workers in Uganda, resolving the underlying problems and elaborating a correct strategy for improvement of the welfare of the working population.

The rise of this new centre epitomizes the long struggle for the workers of Uganda and deals a deathblow to the complex encumbrances within the crisis in the Ugandan labour movement. The Central Organisation of Free Trade Unions (COFTU) is a result of the need to usher in a fundamental change in labour relations in Uganda on the basis of the concrete realities on the ground, a well-defined historic mission and clearly defined goals. The second stage of the struggle has been, thus, ushered in to help restore true trade unionism in Uganda.

HISTORICAL PERSPECTIVE

Many analysts including trade union, political, social, economic, human rights activists, among others, have on several occasions and in different forums expressed their concern on the problems of the Ugandan labour movement organised under the National Organisation of Trade Unions (NOTU).

They have also gone further to recommend ways through which the organisation's problems could be addressed. Unfortunately these recommendations have often met blind eyes and simply fallen on deaf ears.

Since its inception, the labour movement in Uganda has gone through varying degrees of crises some for the good and some for the bad. This type of scenario is the normal trend experienced in the labour movement fraternity world over.

The reason for this apparent paradox for organisations worth of their mandate emanates from the type of functions trade unions are meant to propagate and the inherent evils of society. On the one hand the organisations are an outcome of a struggle for the interests of the exploited labour and so workers seek to utilise them for their survival. On the other hand capital seeks to submerge the interests so propagated at the same time as self-interest and individualism on the part of pseudo labour leaders exploit the status quo.

Prior to the 1996 QDC that brought the current Chairman General and Secretary General into office, the then administration in the midst of several wrangles made some efforts to resolve the existing conflicts and harmonize the warring groups that actually had different interests.

Appreciating the several problems that the labour movement often experiences the administration despite several hardships stuck to certain fundamental principles of trade unionism. Even if some affiliates hated the then Secretary General (SG), partly because of his tough stance that gave less room to other peoples views, he endeavored to ensure that most meetings of NOTU organs were called for collective solutions. Of course most affiliates used the opportunity to castigate him, emphasising on his weaknesses and failures. Still others used these, as an opportunity for them to come into office, not because they had better solutions to the NOTU problems, but change and greed for power was the driving force.

Throughout that period, many affiliates including the Uganda Electricity and Allied Workers' Union, where the current NOTU Secretary-General was serving as Acting General Secretary, refused to pay any affiliation fees to NOTU. The leadership therefore had to look for external support to run the activities and sustain the centre.

The affiliates' refusal to pay affiliation fees was intended at failing the then administration. The SG then had to hold a weapon in one hand to "fight" the resisting forces and another in the other hand to provide services to the affiliates and to fulfill his constitutional obligations.

This divided NOTU's limited resources and efforts to provide good services to the affiliates, but the then administration still managed to keep affiliates under the same roof (NOTU) simply because that administration continued to cherish the fundamental trade union pillars of independence and solidarity.

The then SG also explains that one of the events that amazed him so much was the deep degree of hatred and malice expressed by certain caliber of trade union leaders, citing an example when Mr. Nkojjo David, together with some other trade union leaders stood up in the middle of a meeting at Pope Paul Memorial Center to reject money offered by the American Federation of labour (AFL) to buy a building for NOTU. The purchase of the building for NOTU by AFL followed several negotiations by NOTU headed by Bro. Mukasa Mudrikat who was the SG. It is said that Nkojjo's argument was based on a belief that the purchase of a building for NOTU during that administration would "unnecessarily" give the then SG a lot of credit and thereby make it difficult for them to fight him out of office.

The AFL representative was left with no other alternative but to put back her cheque and travel back to her country "letting the sleeping dogs to lie".

This conduct completely disregarded the major interests of NOTU and considered the individuals' interests to climb to NOTU leadership.

Because of the increasing pressure then against the SG and complaints that were threatening further division of the labour movement, he (SG) called the QDC and stepped aside, thereby paving way for peaceful change of leadership that once again restored the short lived unity of unions that lasted for less than one year.

It should be noted that, shortly after the new leadership headed by Nkojjo was elected to office in 1996, it could not even afford to pay rent for the centre. For several times until LO-Norway came in to pay administration costs in 2002, NOTU offices would be one week open and 2 weeks closed so much to the extent of its property being auctioned to pay the outstanding bills due to heavy indebtedness. The leaders lacked ability to mobilise resources to run the centre,

though LO-Norway returned on its own initiative and out of a great sympathy to rescue the ailing organization.

PHILOSOPHY AND SPECTRUM OF STRATEGIC INTERVENTIONS

After a careful study and analysis, COFTU considers the crisis in the labour environment in Uganda as being propagated by a spectrum of factors that must be dealt with if the labour movement is to impact positively on the livelihood of workers. Accordingly, a Spectrum of Strategic Interventions in eight (8) key areas is necessary to revive and transform the labour movement and to set into motion the fundamental mission of advancing the social economic interests of workers.

This Spectrum of Strategic Interventions is an elaborate translation of the historic mission of COFTU: the interventions form the rallying cry of the coalition of pro-labour forces to erase the injunctions constituted within the age old labour movement internal rigidities so as to set into motion true advancement of the workers.

The Spectrum of Strategic Interventions clearly spells out the historic mission of COFTU as that of establishing a labour movement with the correct strategy of achieving true economic and social advancement of all workers.

1. RESTORING GOOD GOVERNANCE AND CONSTITUTIONALISM

Mismanagement and Unconstitutional Governance due to a Leadership Crisis created by elements whose greed for power transcends the need to respect popular will.

On assuming office in 1996, besides failure to pay rent and to meet other administrative obligations, NOTU has been characterized by several unconventional and unprincipled practices not worthy of a national trade union centre.

The leadership of the centre has for the last 8 years handled the affairs of the organisation very much to the discontent of the affiliates. The consensus among

honest trade union leaders is clearly “terrible dissatisfaction with the level of performance at NOTU”. In fact while the affiliates have severally expressed discontent, the NOTU leadership has also persistently persuaded the affiliates to accept the status quo, instead of seeking for solutions to improve on the services. And they will do every thing to manipulate the leaders of the unions to accept their (NOTU’s) position, “taking advantage of the high and persistent levels of poverty and limited exposure”.

While the affiliates appreciate this fact, some have given up and left the leadership to do whatever it so desires with a hope that some day they may come to their senses and remember to serve the workers genuinely. Others that have come up to try and change things within the system have been branded several names, referred to as “enemies” and some times badly “bruised” using evil machinations and propaganda. And still others in a state of helplessness do not see any hope and as is commonly said, they have simply resigned to fate.

Although most of the problems have severally been explained in a number of presentations and publications made at various forums with a hope that a solution would be found, this analysis will once again explain some of them for ease of reference.

The Centre has been run in total violation of its own constitution and the trade union laws. Mandatory meetings of constitutional organs are never held and there is lack of transparence and accountability in all the organisation’s operations.

The purpose of meetings as far as trade unions are concerned is to help build legitimacy by bringing various brains together with an intention of exchanging ideas to solve a given problem and enhance development.

Taking decisions of collective nature in a manner that will help minimize errors ensures collective responsibility and builds the much cherished unity and solidarity for the attainment of the organisation’s goals.

While the Secretary General was expected to cause the convening of at least 16 mandatory Central Governing Council (CGC) meetings within that whole period of 8 years, only 9 emergency meetings were held but even in very unclear circumstances with vague agenda items. Out of the mandatory seven Annual Delegates’ Conferences (ADC) and one QDC expected over this period, only one Special Delegates’ Conference was convened to elect workers’ Members’ of Parliament. The sole QDC convened after 8 years to elect office bearers, a period that over shot by 3 years beyond the normal mandated term, was characterized by several anomalies and manipulations so as to have the same leaders remain in office undemocratically. Other committee meetings like that for the Finance, Administration and General Purpose Committee were hardly convened under normal circumstances. If any such meeting was to be called, it

was normally done after a lot of prior conversing and influence peddling to pass certain resolutions for egocentric interests and mostly parochial reasons. In order to make it difficult for people believed to be having opposing views to attend or offer a meaningful challenge invitation letters for such officials were altogether never delivered or had to be delivered very late in the dying hours to the meetings or when such meetings were over.

Barya (2000) argues, “...Meetings for unionized staff are irregular turning the unions into bureaucratic, undemocratic and passive institutions. Most of the trade unions are not accountable and transparent and their leadership is not subjected to regular elections. Trade unions lack effective leadership and are marred with sharp leadership wrangles.”

These developments have crippled the labour movement in Uganda rendering trade unions less active with no credible and durable strategies.

One of the motives that initiated the struggle culminating into the formation of COFTU was the conviction of the need to restore good governance and constitutionalism in the management of workers’ organisations. What has emerged is thus a drive to usher in a fundamental change in the realm of governance meaningful and popular participation.

COFTU shall undertake a deliberate policy of reviving true trade unionism by consolidating the existing positive structures and frame works of the labour movement and restoring the functional capacity of the organs of the independent trade union organisations. The challenge shall be returning management of the affairs of the trade unions to the popular masses of workers at the grassroots and within the rank and file.

As a modest commitment to this, a calendar of all constitutional and other events shall be publicly displayed and measures to enforce compliance within all affiliates put in place.

2. PROMOTING THE DEVELOPMENT AND DEFENDING THE INTERESTS OF INDEPENDENT TRADE UNIONISM

Any one familiar with the trade union movement in Uganda should have noted the prevailing patronage and loss of independence.

There is an invisible hand directing the way trade unions must run in Uganda. Unions are not operating independently at all and NOTU has done a great deal in facilitating this patronage. It is practically very difficult for any trade union to operate freely and independently under the current NOTU leadership and this partly explains why the trade unions in Uganda are exceedingly very weak.

In order to clarify this point further, it is worthy comparing the status of this administration to the preceding one. Although several accusations were raised

against Bro. Mukasa during his term as NOTU Secretary General, it is clearly known that he stood for certain basic and fundamental trade union principles that maintained the independence of trade unions in Uganda. In the midst of pressure, he never succumbed to any “incentives and motivations that would compromise these principles”. There was a lot of freedom for workers in the management of the affairs of their unions during Mukasa’s time than is the case today.

One senior labor consultant explains this quagmire in the following words: *“Trade unions have been subordinated to political patronage, which has reduced their independence whereby any deviation from established government norms is taken as being politically subversive. This makes it difficult to take most labour actions particularly those effected outside the confines of trade unions. Labour unions membership has greatly dropped and their importance to the members has been greatly degraded given the non-permanency of employment terms. This has made a number of trade unions irrelevant and in some cases even dangerous to members. Apart from collecting membership dues regularly, services to members are not emphasized...”*

Although this may appear to be an academic analysis, in reality NOTU has lost its independence in exchange of maintaining the incumbents in office.

When the ministry of labour put an indefinite ban on trade union meetings as reflected in the letter of 14th September 2001, against the normal trade union practice world over, the unexpected happened in NOTU. In the first place the Secretary General took it upon him self to distribute the labour commissioner’s letter to all the unions excitedly urging them to “comply with government directive”. As if that was not enough, he went further to explain to the media the importance of the ban and defended it (**The New Vision, Friday 28th September 2001, Volume 16 number 233, page 4**)

This unusual response by non other than the Secretary General who is supposed to be the vanguard of labor rights in Uganda by virtue of his position, was intriguing and totally undermined the independence of trade union movement in the country.

It further exposed a number of trade unions to harassment and attacks in the process of offering services to their members. In-fact such unions have suffered a great deal in the last 8 years of Nkojjo and Ongaba’s unusual and dangerous administration.

Honestly it did not require a genius to tell that the ban on union meetings during that period was stage-managed or sought for by the duo for fear of the wrath the then democratic process would deliver on them.

The Ban for instance did not stop the convening of the Central Governing Council meetings. But even if it did, the Secretary General could have consulted affiliates through visits or on phone for the way forward. But as it turned out NOTU could not even mobilise for union solidarity both locally and internationally.

The internationals only received news of the ban from individual union members although the Secretary General is the spokesperson and the main link of the unions to both the national and the international trade union fraternity. When the internationals finally intervened and even after visiting Uganda, NOTU stood in the way by frustrating their efforts of meeting the relevant authorities to address the problem.

Bro. Kailembo, the ICFTU AFRO General Secretary's press statement was simply watered down by Mr. Ongaba the NOTU Secretary General who hijacked the occasion to tell the workers that they were "handling" the matter. In fact on his part Mr. Nkojjo, the Chairman General was not even able to attend the press conference because he had "other very important and urgent issues to attend to". Shortly after the visiting team left the country it was just "business as usual".

Engaging the Ministry of Labor against the unions, which were trying to do their work of defending workers rights, was a most unfortunate crime against the workers and the people of Uganda. While lifting the ban, **the Labour Commissioner wrote in his letter of 10th April 2003** *"...As you may recall, this office took a decision to suspend the above trade union activities after realizing that there were certain forces in the trade union movement that were bent on... This decision has achieved its purpose..."*

The workers' rights had been simply sold in exchange for a "**proverbial bowl of stew**"! Branding dissenting opinions as anti-government and lying to government that these unions have political agenda to transform into political parties to vie for state power, was simply a desperate and dangerous innuendo by workers' spokesmen.

Whereas it is not illegal to form a political party, such a move is not possible because it would first require dissolution of the trade union organisation and yet each of these workers' advocates belongs to different political groupings. Secondly transforming a trade union organisation into a political party is not tenable given the different frameworks under which these organisations operate. What is surprising is that even if it is clear the law on formation and operation of political parties is explicit, there is a continuous use of this trick as a scare to draw some elements in government circles to fight internal trade union battles.

Is this orchestration an outcome of deliberate strategizing? Is it a product of a deficiency in appreciating social development concepts? This question still remains unanswered in the minds of many within trade union circles. However what is certain is that the unsuspecting elements in government have many times fallen into the trap of the tricksters or schemers.

The perpetrators of these machinations could have done well if they sought counsel from the wisdom of international principles and practice. An Important ILO Resolution adopted in the 35th Session of the International Labour

Conference on 26th of June, 1952 concerning the independence of the trade union movement sets out clear principles regarding relations between workers' organisations, governments and political parties and declares that it is essential for the trade union movement to preserve its independence so as to be in position to carry out its economic and social functions, irrespective of any political changes that may take place.

This resolution states in part *“The fundamental and permanent mission of the trade union movement is the economic and social advancement of the workers. The trade unions also have an important role to perform in co-operation with other elements in promoting social and economic development and the advancement of the community as a whole in each country. To these ends it is essential for the trade union movement in each country to preserve its freedom and independence so as to be in a position to carry forward its economic and social mission irrespective of political changes. A condition for such freedom and independence is that trade unions be constituted as to membership without regard to race, national origin or political affiliations and pursue their trade union objectives on the basis of the solidarity and economic and social interests of all workers. When trade unions in accordance with national law and practice of their respective countries and at the decision of their members decide to establish relations with a political party or to undertake a constitutional political action as a means towards advancement of their economic and social objectives, such political relations or actions should not be of such a nature as to compromise the continuance of the trade union movement or its social and economic functions irrespective of political changes in the country. Governments in seeking the co-operation of trade unions to carry out their economic and social policies should recognise that the value of this co-operation rests to a large extent on the freedom and independence of the trade union movement as an essential factor in promoting social advancement and should not attempt to transform the trade union into an instrument for the pursuance of political aims, nor should they attempt to interfere with the normal functions of a trade union movement because of its freely established relationship with a political party.”*

Fear Among the workers' leaders

NOTU's conduct has caused a lot of fear in the minds of the workers. Following what has happened in the past, workers' leaders no longer respond to workers' concerns freely. They relate with NOTU officials as workers' leaders but also regarding them as agents who can employ any machinations to destroy them in cases of disagreement or divergent opinions.

It is even on record that in the process of their campaign, these so called leaders threatened that if voted out then the labour movement would be banned completely. This grossly undermines the fundamental pillars of any labour movement, which are solidarity, independence, democracy and implies that the leaders are not principally there to serve the workers.

One of the core principles of COFTU is independence and this forms a mandatory requirement for all affiliates.

In line with the Internal Labour Organisation (ILO) Resolution concerning the independence of the trade union movement, COFTU shall promote the development and safeguard the interests of free and independent trade unions in

Uganda. As a condition for such freedom and independence trade unions, and affiliations, shall be constituted and managed on the sole basis of the solidarity and economic and social interests of workers and any cooperation with other elements whatsoever shall be done within the framework of this principle.

3. ESTABLISHMENT OF A SERVICE ORIENTED LABOUR MOVEMENT FOR THE PROTECTION OF WORKERS' INTERESTS

Failure to Protect the Interests of Constituents

One of the fundamental functions for which the labour movement exists is to protect the interests of its constituents (the trade union /workers' organisations and their leaders, members and workers generally). However NOTU has failed in this function.

It is worth to pick out a few glaring examples common to the ordinary folk to illustrate this point.

Failure to Advance Workers' Interests

The fundamental and permanent mission of the trade union movement is the economic and social advancement of the workers.

In order to redress the unfavorable economic status in Uganda, several measures have been undertaken since the 1980s towards restructuring and liberalization. These economic policies affecting all sectors have been purely unbalanced. All these were done without considering the social costs of adjustments, without involvement of the labour movement and without regard to the labour contribution to development. Workers have been exploited and have been affected by all manner of occupational problems without effective interventions by relevant bodies.

In fact instead of recognising development as the overall capacity to harness the environment towards the fulfillment of human need, development has merely been looked at as increase in financial power and investment.

The social dimensions have not been considered at all, leading to a terrible labour environment involving all manner of oppression and exploitation. This ever-worsening situation has forced workers to view exploitation, disregard and suppression of the labour factor as the very nature, strategy and mission of the adjustment programmes.

Yet throughout this whole process, NOTU has conducted itself as though it is at the cross roads, perplexed and has not intervened or provided good leadership and direction to the unions on an effective way of engaging Government and other partners into any social dialogue so as to cater for workers' concerns in the process of carrying out the reforms.

One senior workers' representative analyzing the precarious situation explains "However, workers still face deplorable working conditions: Social protection is limited to a minute fraction of the labour force; the ministry responsible for labour is not facilitated, lacks effective machinery to oversee labour rights and has been of little assistance to the labour movement. The labour laws have become obsolete and the ministry lacks the good will to review them. On the other hand, the privatization and investment laws favor entrepreneurs, as opposed to workers and their trade union representatives; the government is preoccupied with creating favorable conditions for investors at the expense of the workers' conditions, which have been deteriorating; and some employers have blatantly violated the workers' right to organize refusing to recognize trade unions. In addition, there is poor job security, lack of employment policy, coupled with an inadequate labour relations system that favors exploitative and oppressive employers leaving workers vulnerable to exploitation. The labour standards are low coupled with low wages, retrenchment and casualisation of labour. The structural adjustment programmes, privatisation, and retrenchments have adversely affected workers and the trade unions. What is surprising is that the government has not announced the statutory minimum wage for unskilled labour despite calls from workers' leaders, recommendations by the Minimum wages Advisory Board and a resolution of Parliament urging government to do so. Further, government does not negotiate with trade union leaders on salaries of public servants". **(Sam Wanzige Lyomoki, 2002, "The Workers and the Movement: Unraveling a paradox to consolidate political legitimacy?")**

Failure to Protect Workers' Leaders

There are certain risks, challenges and peculiarities inherent in the nature of the functions and duties that trade union leaders perform. It is purely because of this that trade unions as organisations and the leaders in particular enjoy certain prescribed rights and immunities. On the other hand trade unionism thrives on cohesiveness and solidarity, a fraternity that leads to trade unionists referring to one another as "brother" or "sister".

However, the situation is the exact opposite in the current trade union movement in Uganda. Many leaders have been victimized, persecuted, attacked or affected in many ways on account of their trade union related functions. NOTU has never come in for assistance and in some cases NOTU's intervention has made the status of the affected deteriorate.

The behaviour of some NOTU leaders during the Kidnap of one of the Workers' Members of Parliament attests to this. At the kidnap of Dr. Sam Lyomoki, some NOTU leaders' responses were sadistic and truly showed no concern for the workers of this country. The leaders propagated malicious statements against the doctor instead of intervening to support his family in finding out his whereabouts. To them the kidnap meant that, one of the main critics of their administration had been dealt with or got what deserved him. Some of the accomplices of this unbecoming conduct who at the time were attending a workshop at Mt. Elgon Hotel in Mbale openly rejoiced at the news that Dr. Lyomoki had disappeared. In fact when Dr. Lyomoki was later discovered in Nairobi, it was like bad news to them and so they now had to tarnish his image. The uncalled for Chairman General's letter to the Speaker of Parliament was another calculated attempt to discredit Dr. Lyomoki, a move that many people dismissed as a hijack on the Organisation (NOTU) for purposes of "*grinding stones* with Dr. Lyomoki". Had it not been for the fair and just Vice Chairman General who quickly noticed his boss's maneuvers and challenged him, such letter would have caused a wrong impression in the eyes of the public to the joy of the author and against a person that needed help to recover from the kidnap trauma.

To put it bluntly, "*it was like some one coming to a funeral of his neighbor with whom he had personal differences and instead of grieving like the rest of the people present, at least for a moment, takes occasion to mete vengeance at the deceased*". Such an action is unacceptable in society regardless of the circumstances leading to the demise!

Even though there existed some differences due to institutional politics, for colleagues to act this way in a situation and at a time when a serious matter of that nature was at hand, and against a person of Dr. Lyomoki's caliber, showed the great danger in which the workers of this country are in by having such leaders in positions of responsibility.

Firstly, there was a very serious violation of the principle of the vital segregation of the requisite impartiality of public office and the so often impartial disposition of individuality. Secondly, for individuals to draw heretic conclusions from the outset of such an ordeal, before the MP was recovered and even before any investigation report was available, depicted a serious degeneration into high-level wickedness, intrigue, callousness, conspiracy, orgiastic hatred and stereotypic maneuvers. And thirdly, if a leader can't show concern in times of disaster how can he/she do so when workers lose jobs, when they are sick or faced with any other calamities. It is no wonder that many workers' concerns get no due attention from such callous leaders, and even in some cases as often reported these leaders facilitate workers' dismissals after receiving a ransom from employers.

Of course the motive for occupying office is clearly not to offer service to workers but rather to pursue economic interests while riding on the backs of the workers.

Failure to Safeguard the Interests of Trade Union Organisations

One of the prime objectives of NOTU as clearly stated in article 3(e) of the NOTU constitution is “to encourage development of strong unified and viable unions in Uganda and to discourage development of rival unions”. The spirit of the same principle is captured in the Trade Union Act that provides in part “The purposes for which NOTU is established are...to formulate policy relating to the proper management of trade unions and the general welfare of employees;”

The trade union fraternity has been concerned about a dispute from the health sector in the midst of a salary rise struggle. Clear evidence suggested a bid by authorities to weaken the Medical Union by mobilising for the registration of a virtually member-less splinter union.

Under normal circumstances, NOTU acting within its constitutional mandate was required to call meetings and arbitrate in the areas of concern affecting the medical workers and to see if they could be addressed. Instead what happened was a conspiracy that involved NOTU leaders to disunite workers in this trade. From the onset it was clear that NOTU had a role in the split of the Uganda Medical Workers Union (UMWU).

One important ingredient of the principle of freedom of association is that establishment of trade unions should be done in good faith and to reflect the interests of the people. Trade unions are organisations voluntarily established and managed by workers. Article 40(3)(a) of the constitution of Uganda states “Every worker has a right to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests”.

It is, accordingly, clear that the right to form or join trade unions is vested in and should be voluntarily enjoyed by the worker. It is an abuse to trade unionism if the employer or the government, as an instrument of divide and rule or of personal vendetta against individual union leaders, formed management-controlled workers’ organisations and baptized them as ‘trade unions’ purportedly in pursuance of this right.

The controversial and puppet “Nurses and Midwives Union”, purely meant for management interests, was affiliated to NOTU outside the established procedure and without seeking the approval of the relevant organs. NOTU’s continued support of this puppet union, even after the leadership becoming aware that Nurses and Midwives throughout the country had rejected it, was a betrayal of trade unionism and the interests of the nurses and midwives.

Disregarding the historical establishment and registration of such a puppet union without members, but with an agenda of dividing, and weakening Uganda Medical Workers’ Union in particular and the labor movement in general, was

manipulative and an abuse on freedom of association and the principle of unity of purpose and solidarity.

NOTU had once again failed to protect the interests of its constituents.

It is on record that the Uganda Medical Workers' Union is one of the most vibrant unions in the country and has been particularly useful for safeguarding the interests of health workers. Though the union is one of the youngest, it quickly became the second largest in the country in terms of membership.

However, what is particularly infuriating is that despite these glaring truths, the NOTU leadership, driven by excessive jealousy at the way Uganda Medical Workers' Union (UMWU) is articulating the members' cause without reservation, have instead been dangerously negative to the union.

Much evidence supports this assertion including but not limited to the following:

- a) During the 1996, 1997 industrial action and the September 2003 pay raise struggle by health workers, NOTU leadership either remained indifferent or attempted to sabotage.
- b) NOTU reports have always highlighted derogating insinuations about UMWU and skipped any wide stride achievements and accomplishments by this union.
- c) Achievements to the workers of Uganda including the Private Members Bills, OSH Bill, Income Tax (Amendments) Bill 1998, and the 1999 private member's motion urging government to pronounce a minimum wage for unskilled workers and a myriad of others, spearheaded by Hon. Dr. Sam Lyomoki, MP- Workers/ General Secretary UMWU are always watered down in the Secretary General's speeches or reports. In the recent report to the just concluded QDC, for instance, the Secretary General, to the shock of the delegates, preferred to use things like 'disgruntled element driven by excessive power and personal ambitions' and many other unwarranted references about this General Secretary and Member of Parliament.

Mishandling of grievances in crisis to the disadvantage of workers leading to loss of jobs

Many workers have lost jobs as NOTU looks on. Whenever there is a dispute, for instance, NOTU acts in total confusion and fails to advise the parties concerned on the way forward. The parties involved are not coordinated at all because of the divisive politics the centre continues to propagate. There are no single meetings of the organs of NOTU to contain such situations in early stages. The NOTU leadership always comes up at the last moment to camouflage that they

are for workers but the end result has always been bad for affected workers. The position of NOTU as the central body of the workers is up to now not known. NOTU has not openly identified itself with the unions and suffering workers.

Analyzing the status of the working environment in Uganda, what happened in Windsor Lake Victoria Hotel and Apparel Tri-Star Factory are just symptoms of a much wider problem.

In the case of Apparel Tri-Star factory the result was loss of jobs to 293 workers with very little pay and under very humiliating circumstances after being fed on “hot air” for some time by people who just wanted to make political capital out of the situation.

“AGOA” which NOTU failed to unionise and to which poor handling led to the dismissal of the workers is the favorite and monotonous song that the leadership keeps harping in seminars and workshops. They speak of having attended “meetings with the relevant authorities” but the results have always remained loss of jobs for the workers. What then is the use of those meetings? Workers are not just interested in their leaders attending meetings but the agreements concluded in those meetings and the contents contained therein.

When the 79 workers of Windsor Lake Victoria Hotel lost their Jobs, NOTU realizing that the workers had a problem with their union could not take a firm stand to help the workers. NOTU instead chose to cooperate with the employer to get the workers dismissed and even without any terminal benefits. The workers were beaten ending up in hospitals due to serious injuries inflicted on them by police, some were shut up in police cells for days while others were dragged to the courts of law where they spent their last pennies on hiring legal services. These things happened under the very eye of the labour movement and without any reasonable intervention by the NOTU leadership even when called upon. In fact, even when the workers took refuge at the NOTU offices after being evicted from their homes, the NOTU leadership threatened to use police to throw these desperate workers out. To avoid additional problems with the police, the workers had to leave these offices very late to spend the night on the nearby street.

The centre has totally failed to provide leadership to the Unions and the suffering workers.

COFTU undertakes to implement a minimum recovery programme with established benchmarks to restore credibility and a return of trade unions in Uganda to a true path.

COFTU appreciates that the gross mishandling of grievances in crisis to the disadvantage of workers leading to loss of jobs has left NOTU with no legitimacy and credibility to represent workers and that the current encumbrance within

NOTU cannot enable it to rise to the task of delivering workers without a major overhaul.

The bedrock of COFTU is a correct strategy for effective advancement of the social and economic interests of workers. COFTU is thus committed to establish a democratic and service oriented national centre for affiliated trade unions so as to promote and protect these interests for all workers of Uganda.

COFTU is mindful of the new dimension of exploitation where, due to the neo-liberal economic policies, employers refuse to recognise trade unions and there has been a longstanding failure to review obsolete labour laws. This disturbing practice is simply unacceptable and it is a challenge that must be dealt with under a correct strategy. COFTU firmly believes that relieving the plight of workers lies in the desire and ability to resolve this question.

To ensure a commitment to the service of workers the guiding policy stance of COFTU shall be establishing and re-orientating the broad alliance of positive democratic and developmental labour forces towards, focusing and prioritizing workers interests. COFTU shall further protect and safeguard all trade union organizations and leaders without discrimination.

4. STRENGTHENING THE CAPACITY OF TRADE UNIONS TO DELIVER ON THE FUNDAMENTAL MISSION

NOTU is founded on a deficient organizational and structural framework.

Workers' organizational and structural framework in Uganda is greatly inadequate and there are certain internal rigidities within NOTU that are a liability to the meaningful progress of the labour movement.

The percentage of workers mobilized and registered into the trade union movement is exceedingly low in comparison to the total workforce. The current figure of 146,427 workers unionized under NOTU against a total labour force of over 10 millions (that is, less than 1%) is a denial to the workers, an appropriate vanguard in the struggle for their rights. The existing trade unions are not able to do much to recruit their potential membership because of several bottlenecks that the centre could intervene to assist. Union structures are further not organised adequately up to grass roots and few unions have mobilised workers in the grass root communities.

The national centre, (NOTU) is structurally organised only at the top level with no co-ordination and presence at the grass roots. NOTU structures do not provide for the rural sector workers, the informal economy workers, the women and the youths. In reality, this was the main reason for excluding workers from representation at the local government levels in the 1996 Local Government Act.

What exists in NOTU is simply an organizational structure but without the effective functional capacity of the organs.

The working relationship between NOTU and the workers' MPs can be said to be good verbally but not so in the practical sense. NOTU is more concerned with how firmly they can control and play a superiority role over the MPs than looking at what both parties can do to serve the workers adequately. In fact on several occasions there has been a very high breach of protocol to attain this by trying to recognize the NOTU leaders as being above MPs.

There are no consultations between parliamentarians and the workers and it is not clear as to who should be consulted when and where. Additionally, the workers' representatives lack facilities and mechanisms to consult and effectively deal with workers nation wide. As a result unionised and non- unionised workers are currently unable to contribute to democratic debate through these representatives.

Some members of the NOTU Secretariat have even openly depicted opposition to the involvement of workers' Members of Parliament in the affairs of the organisation. Indeed, at times a workers' MP has taken a specific pro-labour position and some NOTU leaders have opposed and undermined him. **(Barya and various newspaper reports)** This state of affairs cannot give the workers of this country an appropriate vanguard in the struggle for their rights. Further more, the inability of workers to associate prevents workers from engaging the state, which in turn negates the improvement of labour policies.

One senior researcher on labour issues explains *"However, workers' representatives in Parliament have no organic link with the trade unions or other workers' movements apart from those to which they originally belonged..."* **(John Jean Barya, Trade Unions and the struggle for Associational Space in Uganda: The 1993 Trade Union Law and Article 40 of the Constitution, 2001)**

There is a clear consensus among the various players in the social development sector about the crisis in the labour movement. One labour related NGO, the Platform for Labour Action, in its 2003-2005 Strategic Plan elaborates *"Although the law governing trade unions provides for the National Organisation of Trade Unions (NOTU) aimed at bringing together all trade unions in Uganda and articulate the rights and interests of workers as well as represent them at the policy and legislative levels, NOTU only represents the rights of unionised workers and has so far not been very successful in its current mandate. There is currently no effective institutional framework for workers both in the formal and informal sectors through which they can democratically participate in the promotion of their rights..."* **(Mangali and Natoolo, 2003, Platform for Labour Action, "Agenda for Labour Rights, Strategic Plan 2003-2005")**

This NGO continues to assert *“Inadequate awareness about workers’ rights, employers’ obligations and ignorance of skills in effective bargaining and negotiation; lack of labour rights and legislative action for labour rights and inability to promote workers’ concerns are all problems currently facing workers’ organizations. Further more some leaders of workers’ organisations have personalized them, thus de-linking the membership from the central body. What is more, trade unions have very few women in their leadership as a result of which they have failed to promote and articulate specific concerns of women workers in the unions and in the core government employment strategies”*

At the national level, there is lack of an effective grievance and complaints handling system in the management structures of most organizations for labor rights support and litigation. **(FUE position paper on the micro and small enterprises ILO/SLAREA East African sub-regional workshop on strengthening labour relations for small business employers 13th-17th August-2001 Nairobi, Kenya).**

In the context of high unemployment levels, workers are mainly employed on a casual basis with few on contract. The majority has no formal or clear terms and conditions of service. There is increasing reliance by management on unstable forms of labour i.e. part-time, seasonal, on-call. The enterprise main concern is to reduce its labour costs and problems. This in turn makes these labourers in the periphery invisible. There are no legal responsibilities and obligations by the enterprise towards such a labour force.

The introduction of new components in the labour force, the increasing proportion of the marginalised women, youth and immigrants in the unprotected sector, profit maximization, management intimidations are a further obstacle to workers’ organizing. Today, a growing number of workers are outside the legal regulations making collective organisation increasingly important.

Yet the labour movement in its current state cannot competently take up this mantle of liberating the workers. Throughout this whole process and painful workers’ experiences, NOTU has conducted itself like as though it is at the cross roads, perplexed and has not intervened or provided direction to the unions on an effective way of engaging other development partners into any serious result oriented social dialogue so as to cater for workers’ legitimate concerns.

NOTU structures do not provide for organising workers at the grassroots, the rural sector workers, the informal economy workers, the women and the youths.

In formal employment, thousands of workers, such as teachers in private schools, are not getting paid for several months at a time and are denied their labor rights. This is particularly common with female employees who in addition to the usual work related problems, are subjected to sexual harassment and are

denied maternity leave and childcare. All these workers lack serious social safety nets to take care of their needs in times of crisis.

“...Leadership wrangles, administrative problems and failure to adjust to the rapidly changing needs and conditions of the world of work have inhibited the trade unions’ role of promoting workers’ rights. Limited as it is, NOTU’s intervention is only on behalf of unionised workers. The informal sector is not organised and lacks an institutional framework through which workers in this sector can democratically participate to promote their rights. Women and child labourers make up the majority of unprotected, un-represented groups of workers in Africa”. **(Platform for Labour Action, Agenda for Labour Rights, Strategic Plan 2003-2005)**

For the trade unions to gain legitimacy without effective involvement and active participation of their members is just not tenable. COFTU thus appreciates the urgent need to put a new face to trade unionism in Uganda in trying to mobilise all workers to join so that they can enjoy their constitutional rights. In doing this, deliberate strategies have been developed to assist affiliates in recruitment and organising of workers so as to expand trade union membership levels to at least 30% of the workforce in Uganda (that is, 3 million members) over the next 5 years including the empowerment of women workers, workers with disabilities, the elderly, the youth, rural workers and workers in the informal economy.

COFTU recognizes that without a clear strategic plan to expand the membership and modernize the operations of the organs of the trade unions, there is a danger of the labour movement becoming ‘an elite club for the service of interests of a few individuals’. COFTU shall thus embark on a massive recruitment drive for its affiliates, shall open liaison offices at grassroots throughout the whole country and shall emphasize the need for building strong efficient pillars and organs of trade unionism. For this reason a consistent strategy to generate an internal capacity of self-sufficiency by strategizing for internal resource mobilization and pursuing a deliberate policy of capacity building for relevant organs is a fundamental question to be resolved.

COFTU shall build further on the experience of the struggle to consolidate and expand the already operational Information and Solidarity Forum for information exchange and democratic debate on labour issues so as to encourage regular interactions among workers, their leaders and the trade union organizations.

A multi disciplinary approach, among others, is vital for the attainment of the stipulated objectives.

5. THE PHILOSOPHY OF CONSOLIDATING SOLIDARITY AND SYNERGY

Solidarity is a fundamental pillar of trade unionism. From this perspective it could appear from the surface that forming another centre is against this principle. However when you analyse the practical reality on the ground, it can be observed that another centre shall restore peace and true solidarity among the workers in Uganda.

COFTU is convinced that the way NOTU has been operated antagonizes the basic requirements for solidarity and has eroded all the fundamental principles of trade unionism. The centre is run on personalities in total disregard of the constitutionally established organs and working methods. Any views for change have been construed as enmity and disgruntlement.

The Secretary General in his report to the recently concluded Quinquennial Delegates Conference while talking about lack of unity noted “...*unity as we all know is one of the tenets of a trade union. But unfortunately this has been greatly undermined by some few disgruntled elements driven by excessive power and personal ambitions. My administration has been under constant attacks by...cohorts...*”

This “**my administration**” has no regard to constructive criticism and voices from others for change. This was the very situation and mentality that led to the nasty events leading to the ban of trade union meetings and to threats to life at the time of the agitation for reform led by an informal grouping of trade unionists. The result of all these have been experienced in many ways. For instance the leadership at the centre has favoured and supported any thing seen as disorganizing and breaking up unions that seem progressive and not happy with the non-performance at NOTU. The principle of independence and self-determination has been greatly undermined in the way the center operates and political patronage is becoming more and more pronounced every passing day. Whenever concerned trade unionists have argued for reform on the matters as stated, the result has been strife, disunity, disorganization and all similar things.

Donor funds have been utilized in a non-transparent manner for patronage, to disorganize other unions, to serve personal interests and recently for buying votes.

Lack of cohesiveness, perpetuated polarization of the affiliates, division amongst the leaders, intrigue, lack of team work through coordinated efforts in the various aspects of work, lack of proper skills in the management of NOTU affairs, ‘double facedness’, hypocrisy, and self serving leadership, lack of common vision, lack of planning including strategic planning, lack of equity among others have eroded the workers’ unity and solidarity and thereby denied NOTU a legitimate role to effectively represent its members.

Given such a situation there were several options on the way forward: concerned trade unionists and affiliated unions struggling and mobilizing for change and revival from within; unionists “resigning to fate” and participating in a conspiracy

of silence; and unionists recognising and taking advantage of the constitutional right and the freedom of association.

Option 1: “Struggle for Change from within”. Concerned trade unionists and affiliated unions to continue voicing their concerns, struggle for change from within and mobilize for revival. This would also mean going to court to challenge the election results. Judging from experience as noted above, this would perpetuate the status quo, increase strife and divide the labor movement further given the unconventional responses by the leadership and the way voices for change are construed as antagonistic forces rather than progressive ones.

Option 2: “Resigning to fate” and participating in a conspiracy of silence. The result here could have been disfranchising the labor movement and denying workers of Uganda a formidable leadership in the face of a serious leadership crisis that poses a threat to workers’ rights. Of course this could also imply betraying workers and succumbing to self-centeredness. Secondly such a decision could haunt and be a constant burden to the conscience of those with a conviction that **“it is wrong for them to keep quiet when workers are suffering and something can be done and if we don’t act then no one else will and history cannot absolve us”**.

Option 3: “Recognising the constitutional right of the freedom of association” and realizing that even though dialectically there is a fundamental and principled disagreement on the way affairs of labour movement are to be run, we remain trade unionists bound by the spirit of brother hood. Here the trade unionists and the affiliated unions that realize that there is a problem come together and work to resolve the problems under a new centre while those that feel things are moving on very well at NOTU remain and continue to perform at that level in NOTU. This principle borrows a leaf from a similar incident of resolving a conflict between brothers in the word of God.

Genesis 13:7-11.” And there was strife between the herdsmen of Abram’s livestock and the herdsmen of Lot’s livestock...Then Abram said to Lot ‘Please let there be no strife between you and me, nor between my herdsmen and your herdsmen for we are brothers. Is not the whole land before you? Please separate from me. If you go to the left, then I will go to the right, if you go to the right I will go to the left’. Thus they separated from each other.”

COFTU recognizes the constitutional right of the freedom of association and realizes that even though dialectically there is a fundamental and principled disagreement on the way affairs of labour movement are to be run, the spirit of brotherhood binds all trade unionists.

Considering our situation and in line with godly principles it became clear that to avoid a vicious cycle of stagnation, strife and suffering in the labour sector it was

inevitable for trade unionists and affiliated unions that realize that there is a problem to come together and work under a separate centre while those that feel things are moving on very well at NOTU remain and continue to perform at that level in NOTU. Having separated, each centre then performs on its own while maintaining the overall trade union principle of non-antagonism along a solidarity path based on the principle of 'unity in diversity' and synergy.

Under the circumstances and given the state of affairs, the option of enjoying and employing the constitutional right and the freedom of association became more progressive in relation to other options.

This was principally for the simple reason that it allows people who are genuinely in for the workers' cause and who are dissatisfied at the current level of performance of the current centre to be given an opportunity to make their contribution to the labour movement without threatening the existence of the conservative lot that may be convinced that the current operation of the trade union movement is at excellent levels, or those who think that things will improve under the same arrangement in NOTU or elements who are merely self-serving.

Because of a distorted attitude the option of struggling for change from within by concerned trade unionists and affiliated unions continuing to voice their concerns and mobilizing for revival was not tenable. Judging from past experience this would perpetuate the status quo, increase strife and divide the labor movement further given the unconventional responses by the leadership and the way voices for change have been construed as antagonistic forces rather than progressive ones. A lot of time has been lost in unproductive quarrels and infighting yet the status of workers continues to deteriorate. It has become apparently clear that it can not be possible for those trade union leaders that would genuinely want to serve the workers to express their views freely and work with the NOTU leadership under its current structures.

One of the main distortions of trade unionism in Uganda since its inception has been the spirit of intrigue, mudslinging, blackmail, false accusations and similar vices (**ILO/ NOTU Workers Education Assistance, 1998, "History of Trade Unions in Uganda pp. 58"**).

COFTU recognizes that one fundamental stronghold in these distortions has been entrenchment of a culture of divisionism.

A conscious policy to promote cohesiveness and solidarity of workers organised under the affiliated trade unions, encourage the spirit of oneness and improve capacity to manage diversity is being pursued. Part of this policy is reconciling all former adversaries and bringing to halt the vicious cycle of persecution.

COFTU shall further seek to endorse that discriminatory acts are not committed against any person by its organs, or members or officers or by employers or by the state and shall employ democratic and transparent methods of work.

6. NETWORKING AND GREATER COLLABORATION

Relations with and undermining programmes of other organizations in the field of labour

Networking and strategic alliances with other labour related civil society organisations is vital for a successful tempo against all forms of violation of workers' rights.

Although it is clear, NOTU and its current leadership is limited in its capacity to handle all labour related issues emergence of any other complementary organizations has been met with maximum resistance and with misleading information.

When the Uganda Workers' Education Association (UWEA) was established, the Secretary General wrote to one of its partners in Britain alleging that UWEA had an ulterior motive and that it was started by wrong people, who were set to take over the leadership of NOTU and that it would destroy NOTU.

When Platform for Labour Action (PLA) was established and even after it secured funding from ILO, NOTU out of pure envy and malice wrote to ILO castigating PLA so much to an extent that, in the interest of avoiding unintended conflicting situation, ILO indefinitely canceled its contract with PLA. A lot of malicious propaganda has been circulated to the unions and other government officials by the Chairman General and Secretary General to the effect that PLA had a hidden agenda and was poised to fight NOTU and to destroy the labour movement in Uganda. In fact, PLA has been minuted in the proceedings of the Secretariat of NOTU as a 'dangerous grouping.'

Human rights concern (HURICO) among other organizations has equally had its painful share of such acts of misguided and misconceived propaganda from NOTU leadership purportedly intended at enhancing NOTU's "territorial defence". The NOTU leaders are so conserved to the colonial mentality that they cannot easily adopt any new management approaches to accommodate other people's views.

This conduct has tended to Isolate NOTU, and trade unions generally, from other national social development partners who view NOTU as composed of leaders that, because of their incompetence and the desire to have and maintain a superior role on labour matters, have developed a lot of suspicions that they

cannot freely mix up with other forces for fear of the unknown. Of course this attitude in itself is an insult to the workers and does not reflect the correct picture of the realities regarding the workers' unutilized potential to manage the affairs of their organisations. Only the people that lead and represent the workers can change this. Also programs of other organizations in the field of labour have been undermined to the detriment of the would-be beneficiaries.

COFTU appreciates that trade unions are the arbiters in the area of workers' interests. In order to improve on this function COFTU shall promote the development of networking and strategic alliances with other civil society organisations while maintaining trade union principles. The fundamental solution to the problems created due to past actions of NOTU shall lie in making deliberate efforts to build friendly relations in order to improve capacity for recognition by other stakeholders as partners in development.

7. RESTORING INTEGRITY AND ETHICS IN LABOUR RELATIONS

COFTU is aware that the modus operandi of NOTU has led to dissenting views breeding anarchy persecution, intrigue and divisionism. The type of leadership there cannot appreciate any constructive proactive debate.

COFTU is concerned that the 5th NOTU Quinquennial Delegates' Conference (QDC) held on 26th Oct 2003 in a fraudulent and undemocratic manner was a disgrace to trade unionism in Uganda and a symptom of the chronic distortions and long standing lack of popular participation of workers in matters of governance and self-determination in the labour movement.

Despite the fact that the leaders had expired in their mandate and were therefore legally incompetent to convene the conference, the management of the conference tantamount to rigging and fraud and did not reflect the true democratic practice that the delegates expected.

The manner in which the elections were conducted showed how far the incumbent NOTU leadership was determined to work against the acceptable norms of society to advance their individual interests of maintaining themselves in office at all costs even against the interest of the affiliates. There was unethical conduct and a lot of acts that were nontransparent, treacherous, undemocratic, inconsistent and unprincipled and that were intended at weakening the labour movement in Uganda. All constitutional procedures were faulted, credential committee report discarded in favour of upgrading observers to delegates, the ballot papers manipulated and a myriad of evils.

This behavior brought to surface one fact, that it cannot be possible for those trade union leaders that would genuinely want to serve the workers to express their views freely and work with the NOTU leadership under its current structures.

Although, a proposal of filing a case in court to nullify the elections is definitely legitimate, on further analysis it was observed that such a move would deepen the conflict and waste a lot valuable time that would be used on other more important aspects of workers' development.

COFTU recognizes that credible leadership and transparent organs of the labour movement are key factors in the resolution of other questions.

Apart from the threat posed by the persecutions on workers leaders from without, the vice of compromise of union leaders by incentives and corruption needs serious attention.

Barya (2000) sums it all up "...the leadership in trade unions has been compromised with incentives.

If these corrupt practices by trade union leaders are not checked, the whole representation process may degenerate into egocentrism or be compromised by capital. This is a challenge that has to be dealt with if the trade unions are to survive the test of time. COFTU believes that to tackle the problem of non-performance in the labour relations mechanism, corruption has to be eliminated at all levels of the employer-employee relations and industrial relations in general. COFTU is committed to the fight against corruption through its organs and affiliates and shall maintain the tempo of mass mobilization to enable rank and file workers to be vigilant and expose any corrupt tendencies.

There shall be a comprehensive approach to combat corruption by establishing mechanisms to check unethical practices of some leaders and by creating self-reliant trade unions, sharing common ethical values, standards and unity of purpose. To this end, a code of conduct for leaders of trade unions organised under COFTU is already being discussed within the organs. The fundamental solution shall be to build an integrity system that promotes ethical standards, good governance, social transformation and strong effective institutions and systems.

8. CONTRIBUTING TO SOCIAL TRANSFORMATION BY IMPROVING PRODUCTIVITY AND SERVICE DELIVERY

Trade unions have an important role to perform in co-operation with other elements in promoting social and economic development and the advancement of the community as a whole in each country. In Uganda this has been relegated to the periphery.

COFTU considers the goal of development of society as the cornerstone in the trade union objectives as prosperity has synergistic effects for workers. In Uganda the growing unemployment is simply unacceptable as this is indeed posing a big danger where workers continue to be exploited under the pretext

that they are better off than their peers who lack 'the privilege of having a job'. As a challenge the labour movement has to ultimately establish a partnership with the state and other relevant actors to generate a strategy to deal with this problem.

Creation of a 'think tank' forum for addressing the unemployment problems in Uganda and to provide a data bank for employment, investments, and current trends in the market place, shall be a milestone in this direction.

COFTU shall, further, work to enhance skills of the active labour force and increase productivity through a participatory workers' education and training and to provide a forum for them to interact on developmental issues. Further, there shall be established deliberate measures to promote a savings culture, encourage the establishment of income generating activities including cooperatives for workers and generally provide socio-economic benefits to members.

CONCLUSION

Freedom of association is more beneficial to the people if it is by choice other than through the force of law. Judging from the past historical events in the trade union movement, besides the fact that leadership in NOTU is terribly in deficit, it can be further concluded that, NOTU is established on a wrong foundation that it can not promote workers' freedom to utilise their full potential and thereby enhance sustainable development.

Because of the above scenario, the emergency of the centre shall redress the status quo. The centre shall bring peace in the Ugandan labour relations' environment as an immediate benefit. The overall mission to promote honest, viable, vibrant, voluntary, democratic, independent and free national trade unions that shall formulate, coordinate and mobilise a common united focus for a broad alliance of positive democratic and developmental labour forces, shall be attained. The centre shall discuss the status of workers in Uganda, highlighting the underlying problems and general direction for improvement of the welfare of the working population.

Further, the coming into existence of an alternative center is to respond to the needs and interests of all the workers of different walks of life bearing in mind that labour is the back borne of the economy and the impetus for any sustainable social transformation for the people. However, as expected the enemies of the workers, continue with their falsehoods alleging that the new centre was borne due to the outcome of the recent NOTU elections. Even if it is true that the undemocratic tendencies have been a serious motivation for revival, saying that the reason for formation of the new centre was basically because of the outcome of the elections is like arguing that World War One took place only because of the assassination of Austria's Arch Duke, Francis Ferdinand.

An appeal is hereby made to all workers of good will who believe in the freedom of association and sustainable development to join hands in rebuilding a new labour movement in Uganda for the attainment of the stated objectives and improvement of workers' standard of living. COFTU intends to work synergistically in trying to fill up the gaps left by NOTU. Thus, it does not emerge as a rival and antagonistic organisation to NOTU but one that will complement existing efforts. The weaknesses highlighted in this document have simply been made to create an understanding of the gaps in the performance of the labour movement but not to pull down NOTU.

There has been an erroneous view that COFTU and NOTU should reconcile and become one entity. It is the considered view of the COFTU affiliates that this analysis is like telling a builder to build a twenty-storied house on an existing old two-storied foundation one. The logical thing in such a situation is to allow both buildings to coexist for the service of the beneficiaries, who are in this case the over ten million workers of Uganda.

“Unity is Strength, Solidarity for ever”