

Mission of the Centre for Basic Research

To generate and disseminate knowledge by conducting basic and applied research of social, economic and political significance to Uganda in particular and Africa in general, so as to influence policy, raise consciousness and improve quality of life.

**Proceedings of the NOTU/CBR Seminar on:
"Workers' Social Conditions in Uganda Today"**

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Workers' Social Conditions in Uganda Today

1. Opening Ceremony

The Executive Director, Centre for Basic Research (CBR), Dr. John-Jean Barya, in his opening remarks, welcomed all the participants to the seminar organised by the National Organisation of Trade Unions (NOTU) and CBR, with funding from the Friedrich Ebert Stiftung (FES). He informed them that this seminar was a follow-up of the research carried out by CBR in 1995 evaluating trade unions and analysing the conditions of industrial workers and the nature of industrial relations in Uganda. The major aim of the seminar, therefore, was for the trade union leaders to discuss the findings contained in that report. This time leaders at the national level and those from the branch level were invited so as to get the diverse perspectives at both levels.

A related and equally important goal of the seminar was to enable the union leaders to chart a new way forward in the light of several new developments. These included the passing of the 1995 constitution which recognises and guarantees the right to organise. But this must be considered in the context structural adjustment programmes, privatisation and retrenchment policies which adversely affect unions. While the actual conditions of workers have been deteriorating, government has been more pre-occupied with establishing favourable conditions for foreign investors. How are unions to respond to these developments?

The seminar was also meant to offer a forum for the unions to re-examine themselves internally, with particular reference to democracy and accountability; factors which would enable them face the challenges of the new millennium. The unions also needed to discuss the nature of alliances that they needed to forge with other groups interested in the protection and advancement of the interests of the workers.

The seminar was informed of the loss of the principal researcher and author of the report, Charles Asowa-Okwe. In order to pay tribute and honour him, Dr. Barya suggested that unions should make optimum use of this report. For purposes of effective interaction and discussion, the participants were divided into two groups, each group having to cover three topics in three sessions. Three researchers from CBR were to facilitate discussions within the three groups: Dr. Barya leading the discussion on "The Legal Framework for Workers", Josephine Ahikire on "Industrial Relations Today" and Simon Rutabajuka on "Conditions of Workers".

The Resident Director of FES, Hajo Lanz, was then called upon to brief the seminar participants on the perspective and expectations of FES regarding the seminar. He began by stressing that although the study and assessment were done two years ago, the workers' situation had not changed greatly. The present seminar was, therefore, to be considered as part of a continuous joint effort between FES and NOTU to struggle and improve the conditions of workers. But this required a thorough analysis of the new threats and challenges that had arisen out of the new situation before effective strategies could be put in place. He hoped that after a lull in active NOTU-FES interaction, the seminar would act as springboard for further collaborative ventures.

The NOTU Secretary General, Mr. Ongaba, was called on by Dr. Barya to officially open the seminar. He, too, welcomed all the participants and thanked CBR for the initiative to produce literature for workers, and FES for sponsoring this particular seminar. He said this was very timely in the light of the current wave of anti-union sentiments by the employers and investors. He cited the last national budget in which the salaries of workers were not increased even when it was acknowledged that inflation was at a high ten per cent. As for privatisation, he observed that new employers had insisted that they should enter into new agreements with the workers who they did not want to belong to unions. The promises that retrenched workers would be retrained had not been kept. He was apprehensive that the Export Promotion Zones being advocated for by the President would not benefit the workers in any way. Structural adjustment programmes were creating problems which workers' leaders were obliged to find ways of circumventing. To complement the efforts of CBR in reconstructing the workers' history, Mr. Ongaba informed the meeting that there was a programme to write the history of each of the 17 individual unions, and hoped something comprehensive would come out of this effort. He then formally declared the meeting open.

To optimise interaction and deepen the discussion, participants then divided into two groups, A and B, and this was done in such a way that each of the two representatives of a particular union belonged to a different group. The first day was divided into three sessions, each devoted to one of the three seminar sub-themes, i.e. "The Legal Framework for Workers", "Industrial Relations Today" and "Conditions of Workers". Each group (A and B) discussed each of these three topics separately and the deliberations under each theme have been merged in this report. Each of the sessions was preceded by a short presentation by a facilitator, and the ensuing discussion fully documented by a rapporteur. The second day was devoted to plenary discussions of each of the reports from the two groups, the drawing out of seminar resolutions, and the charting out of a programme of action for the labour movement. This report captures, separately, the discussions within the two groups, as well as the debate during the plenary sessions.

2. Group Deliberations

Session I: The Legal Framework for Workers

Making his presentation to this group, the facilitator Dr. Barya proposed to discuss what the law and particularly the law governing the trade unions and the right to organise provides for and how it can be used to further the workers' cause. This was important because of developments that were weakening both NOTU and the individual unions, including privatisation and divestiture, the influx of foreign investors and structural adjustment which had made the state abandon most welfare programmes.

In looking at the history of trade unions, it was important to look at the reasons that accounted for both the strengths and weaknesses within these unions. The single labour movement that had been formed at independence was split when the Uganda Federation of Labour (allied to the UPC Youth League) was formed but later dissolved by

the Uganda People's Congress (UPC) government due to its militancy to form the Federation of Uganda Trade Unions (FUTU) in 1964. This split continued until 1966 when there was a forced merger into what came to be called the Uganda Labour Congress. Even then, disputes remained internally. Government closed the Labour Centre in 1968 alleging that it was working as an agent for foreigners. In 1970 the Trade Union Act dissolved all unions, leaving one union at the national level and the rest of the unions becoming mere branches. This was in line with the single unified structures ideology that heralded the one-party state. By the time of the Amin coup, there was high resentment of this state of affairs and in 1973 NOTU was formed, becoming operational a year afterwards. It comprised 16 member unions which due to the problems they were facing throughout the Amin era, were forced to bury the old divisions. In 1980, the old divisions re-emerged in the form of UPC workers' councils against the union branches. Under Obote II several attempts were made to repress the workers outside the law and there were contradictory views at the state level on how to deal with trade unions.

When it came to the NRM period, there had been no direct interference in trade union matters, especially in the choosing of leaders. Indeed, in 1993 the Trade Union Decree and other labour laws were amended to allow civil servants to unionise and since then it had been evident that the scope of rights of unionisation had been widened. In the 1995 constitution itself, Article 29 guaranteed freedom of association and Article 40 categorically specified the right to form and join a trade union of one's choice, the right to collective bargaining and representation and the right to withdraw labour. The remarkable difference here was that these rights were not subject to any condition (except for the right to withdraw labour) as was in the old constitution where, in the interest of the economy, the rights could be circumscribed in defence or essential services. For instance under the Trade Union Decree, people were free to form unions but had to affiliate to NOTU; each union had to have not less than 1000 members; a union could be de-registered and the Minister of Labour had extensive powers of investigation into union matters. To get over the impasse of contradictions between the constitution and other laws it required either concerted pressure from the unions or their recourse to the Constitutional Court.

Regarding the issue of democracy within the unions, it had to be looked at in terms of regular and orderly Annual General Meetings, financial accountability, smooth leadership changes and adherence to the constitutions that regulated the internal working of these unions.

The findings contained in the CBR report indicated a high percentage of the presence of unions (90 per cent) with a membership of 76 per cent. However, there were three main explanations for non-membership, comprising: existence of casual labour, contract labour and labour in managerial positions which fell out of the ambit of unionisable labour. Even then, it was clearly evident that the existing membership was still low when contrasted with the potential membership. Explanations for this ranged from the lack of adequate finances to carry out effective mobilisation, the recognition problems in the new industries, the high job insecurity, the lack of support by officials in

the Ministry of Labour and racial problems especially in the businesses owned by Asian entrepreneurs.

Attention was also drawn to two specific problems. The first one was that of funding. Reliance on foreign funding, rather than on contributions from affiliates had turned NOTU into an organisation where the member affiliates did not matter. Secondly, this dependence on foreign funding opened it to vulnerability and blackmail. It was also observed that employers deducted workers' contributions at source and refused to remit this money to the union.

The second issue that merited careful consideration was the Industrial Court. As a final arbiter, there had been an attempt to interfere in its work through criticism by the President, the newspapers, especially in light of favourable awards to workers. It was, therefore, pertinent to discuss how this court could be made more independent and strengthened.

So workers had to come to terms with a situation where there existed good provisions which favoured their interests in contrast with very adverse economic policies. It would also be necessary to examine the issue of broader alliances with organised civil society organisations.

3. Open Discussions

The first discussant asserted that unions were themselves sure of their mission but employers, particularly the multinationals, were not yet responsive. A problem was cited of Sembule Steel Mills who had resisted recognising the union in their work place until bigger employers like Casements and Roadmaster accepted unions in their industries. Their opposition to unions was based on the perception that unions were mere trouble-causers. So they did not allow union leaders to talk to their workers, and when they had to do it, they did so stealthily. Something had to be done about this state of affairs and if involvement of other groups could help, they were welcome.

Next to be addressed was the problem of accidents in industries, particularly in the Steel Rolling Mills, where many people were losing limbs. This raised the issue of compensation, which stood at Shs.38,000 for injury when at work. This could not compensate for the loss of a limb and union leaders had been locked in negotiations for a realistic value of compensation based on the cost of living. The union leaders had not been involved in conspiracy with employers on the compensation controversy as was put in the CBR report.

One leader reported the adverse impact of current policies on union membership in the textile industry. At its peak it had 14,000 members but presently it only remained with 300 members in one industry, even when there were 18 companies, the majority of which were new. Nytil Picfare and Vitafoam had both resisted recognising unions even after negotiating for seven years. There was a particular problem with enterprises that belonged to Asian entrepreneurs. These ones had been insisting that the money that they used to set up these ventures was privately mobilised capital and as such it was unacceptable to interfere into how they ran their industries.

It was also reported that the Ministry of Labour did not act as an impartial go-between when problems arose between unions and employers. The ministry most often favoured the employers and it was reported that most companies that had resisted unionisation appeared to have a special working relationship with officials in the Ministry of Labour.

A proposal emerged to move from a discussion of hindrances to trade union activity to concentration on strategies to overcome the existing obstacles.

On the issue of recognition, other unions reported similar experiences. The building union observed that in the construction industry recognition was complicated by the fact that employers and employees were changing all the time since most of the construction work was contractual and short-term.

Someone raised the issue of contradiction between restrictive labour laws and positive constitutional provisions which left unions confused on how this should be resolved. A particular problem highlighted was that of effecting the laws in a situation where it was uncertain who was to punish violation and how action was to be brought against offenders. This was because the Ministry of Labour to which most of the cases were reported, did not always bother to follow up the issues brought to their attention. The most outstanding failure had been for the ministry not to forward recognition disputes to the Industrial Court. The issue of whether changing ownership altered the pre-existing contracts between the new employers and workers was also raised.

It was also observed that since investors had direct access to the President, they usually succeeded, with impunity, to stop their workers from being unionised. The new investors had exploited the absence of an employment policy to embark on a gradual process of casualisation of the country's labour force. This had created apathy and helplessness among both the unionised and non-unionised labour. But, as someone observed, this did not wholly explain why some trade unions had become stronger, while others were disintegrating. One suggestion was that state-inspired violence before 1986, coupled by deliberate efforts by politicians of the day to co-opt and fragment the labour movement was to blame for the factionalism and leadership wrangles that had bedeviled the trade unions. On the other hand, some of the union leaders had continued to profit from, and hence perpetuate, this confused state of affairs.

The problem of corruption came under scrutiny. It was reported that although most union leaders complain of corruption in the Ministry of Labour, there were indeed many cases of corruption within the unions themselves, which called for the need for them to put their house in order first. An instance was cited of cases of collection of dues by unions without remittance to NOTU. The CBR consultancy report was criticised for exaggerating the organisational and financial problems in the labour movement. For example, this report did not project some achievements of the previous NOTU administration like their successful struggle to reduce the number of working hours, their having secured maternity leave for female workers and having pressurised employers to give in on the issue of negotiability of workers' terms of service. A broader issue of whether NOTU had an internal mechanism to effectively deal with irregularities with respect to finances was also brought up.

A specific problem with regard to unionisation was reported in particular reference to security organisations. They were taken as categories that were not unionisable, falling within the ambit of police, prisons and the army. It was reported that the Permanent Secretary, Ministry of Internal Affairs wrote a circular that workers of these agencies were not supposed to unionise.

Local industries were also criticised for being very intolerant towards unionisation, the most notorious example being Vitafoam. It was suggested that pressure on these industries had to be kept up until they relented.

The precedent of the President banning soldiers from marrying before they served for 4 years was singled out as a bad signal to employers and investors who, in a similar vein, were likely to be encouraged to discriminate against employing women workers for fear of loss of time in maternity.

A participant pointed out that government was not giving a good example with regard to unions of public servants. In particular, the medical workers union experience of 4 years, duly registered, but without regularising their recognition and collective bargaining agreement, was a sign that government was not well disposed towards unionisation. In this case there was also confusion as to who was directly responsible as regards the Medical workers, between the ministries of Public Service, Labour, Justice and Health, each of which had been claiming that the other was the responsible party. There was a general inquiry as to why some categories of workers were prohibited from unionising.

The multinationals were singled out for being complicated in terms of handling even simple issues since they used the pretext of having to consult their directors overseas before taking and implementing even minor decisions.

Opposing Dr. Barya's submission that NRM had not directly interfered in trade unions, someone pointed out three instances of direct interference; beginning with the establishment of a workers' desk at the NRM Secretariat, the President's speeches denouncing awards of the Industrial Court and the refusal to regularise the Public Service unions.

Another participant pointed out the naivety of union leaders deceiving themselves that government could go against its interests for the sake of workers. The unions, according to him, could only make impact on the government when they attained a position of strength. One way of attaining this strength was by augmenting the role and position of the shop steward, who was the chief mobiliser in the industry itself as compared to union leaders at the national level who may even be out of touch with what was actually taking place in these industries. In addition, shop stewards were best placed to know how a particular employer was to be handled and one failure in the present approach was for the national union leaders to directly confront employers without going through the shop stewards. If the shop stewards effectively mobilised the workers, recognition would automatically follow.

This generated intense debate on whether it was recognition that was paramount or whether recruitment and active participation mattered more. Those who subscribed to the latter view asserted that it was not recruitment but recognition that was important

because you could not even have shop stewards to do the recruitment without recognition. Besides shop stewards were democratically elected and could not be put in place as long as a union was not recognised.

The discussion of funding concentrated on two aspects, that of sources and accountability. With respect to the former, it was observed that reliance on foreign funding could have very adverse consequences of creating uncertainty as to continued availability of this money. It was also reported that the check-off system of deduction by the employer from the workers' salary has faced problems when this money was deducted but not remitted, as was the case with the Co-operative Union, or as in the case of Uganda Transport Company, before it was sold, where money had been deducted but only 10 per cent of that money was remitted to NOTU.

An official from NOTU pointed out that NOTU had been lucky only to the extent that in times of crisis member unions contributed. But this still left the question of why member unions were reluctant to regularly make contributions to the centre when there was no crisis. Two possible reasons for this tendency were put forth. The feeling among member unions that NOTU got more than sufficient funds from outside donors made them think it was not necessary to contribute. The second reason was that reported allegations of misappropriation of funds in NOTU made members apprehensive as to the fate of their contributions. The case of the loan from National Social Security Fund was reported to have created a very negative image which needed to be cleared.

Someone suggested a completely different reason for non-contribution, saying that leadership wrangles and factionalism at the centre divided member unions into supporters and opponents of the particular faction at the NOTU helm. As such non-contribution was a conscious device to strangle and frustrate NOTU financially so that incumbents were disgraced as failures. There followed a suggestion that instead of NOTU attacking member unions for non-payment, it should work towards instituting a mechanism which could effectively retrieve contributions from member unions. One participant even wondered whether there was concrete evidence that member unions were not contributing, and if this was really the case, what was NOTU doing about it?

It was also reported that employers themselves deliberately delayed the remittance of deductions to unions to frustrate their operations. Besides this problem, it was reported that most new investors had refused to institute the mechanism of check-off. Retrenchment was also cited as a factor which had eroded the financial base of some unions by depleting their membership. To address this challenge of realising contributions from member unions, union leaders called for transparency and openness on the part of NOTU, which had hitherto not presented any plan or programme of action with a corresponding budget around which to rally the unions. If unions recognised the need to remit this money, it was pointed out, they would find all means to effect this. So it was the non-recognition of the significance of NOTU that was proposed as a big factor, since there seemed to be no organic rendering of services by NOTU to its members. Besides instituting a mechanism to collect membership dues, the fact that there were no sanctions against non-contributors, or rather these sanctions were not being enforced

because of opportunistic considerations by those responsible for enforcing them compounded the funding problem.

Some unions, like Mines reported that they simply could not afford to pay the stipulated contributions because of the very low wage levels and this raised the issue of NOTU having to discuss with each particular union its specific situation, so that it did not generalise and make assumptions about all of them. To wind up discussion on this subject, it was proposed that measures must be taken to redress the issue of misappropriation within individual unions.

Next to be discussed was the role of the Industrial Court. Despite obstacles like not having proper premises and under-funding, it was viewed as having done the best in the circumstances. The biggest problem reported was that of modes of access to this court. One way was through the Ministry of Labour after due processes of conciliation, mediation and arbitration. The problem here was that officials in the Ministry of Labour did not forward cases brought by unions to the court, or if they did, it took a lot of time before it happened. The second method was beset by an even worse problem since it required both disputing parties to sign that they had agreed to forward their case, which was virtually impossible as one of the parties would certainly be unwilling to submit itself to this. The powers of this court were also considered by some members as insufficient, especially in terms of passing awards that it could not enforce. This made employers ignore what this court awarded workers. This was contrasted to the situation in Kenya where the Industrial Court has finality of ruling with no possibility of appeal against its decisions. But in Uganda, the awards could be contested as happened in the cases of National Insurance Corporation workers, and the Uganda Bankers' Association and Uganda Railways workers. But it was also pointed out that employers could accept the court award but lay off employees soon after by closing branches as Barclays Bank had done. It was also explained that the legal right of a worker pending stoppage from work particularly under change of ownership was considered to have no protection at all.

In terms of strategy, it was agreed that the union leaders made use of the current constitution, particularly article 40, to fight for the well-being of the workers, rather than looking to government to resolve in their favour the various labour problems that they were confronting. It was also pointed out that this required the unions to have a strong organisational cohesiveness. It also required forging functional coalitions with other social groups and organisations within civil society, including special interest groups like the youth, women and the disabled. This would make it possible to re-centre labour issues into the mainstream political debate and would perhaps pave the way for the sponsoring of private members' bills to protect and foster the workers' interests.

To overcome the lack of support and organic link between NOTU and the grassroots workers which had made it difficult to co-ordinate the activities of the labour movement, it was proposed that NOTU should embark on a comprehensive mobilisation campaign. This would break with the old tradition of NOTU becoming visible only when there was a crisis and would ease the process of cultivating a positive visibility, particularly to employers, who seemed to take a negative view that unionised workers were their enemies.

4. Session II: Industrial Relations Today

Making her presentation to this group, Josephine Ahikire said that she intended to stimulate discussion among union leaders (as key stake-holders) to evaluate the CBR research findings. This would also improve the quality of the research. The session's objective was to look at industrial relations today. As a concept, industrial relations stemmed from the assumption that labour had to be organised if it was to confront employers who were powerful and backed by the state. The union was important here because it championed labour rights. But they needed to re-examine whether unions had really made a difference and the variations in terms of the involvement of workers.

The research that was carried out by CBR sought to establish the presence of unions and the level of worker involvement in union matters. Workers sometimes defined the union as outside of themselves. Because of the check-off system, some workers belonged to unions by default. So the research also attempted to evaluate the quality of trade union leadership. Was it organically linked to the rank and file? Were the objectives in consonance with the realities of the work places? Or were they only relevant in situations of crisis? Would the interpretation of wrangles in the unions negate the labour movement?

Under the pertaining conditions, labour had become vulnerable to manipulate through arrangements like contract and casual labour. Unions had to evaluate all these developments before charting out a future role.

5. Open Discussions

A participant hinted that the major explanation for the bad relationship between employers and workers was because the employers looked at workers as mere tools. He cited the case of a worker whose hand was cut off by a machine and all the employer did was to refer the case to Mulago Hospital. In another case, union leaders felt so frustrated about the union members attitude towards them that they lost morale. In cases where new owners took over enterprises, the new definition of terms that they demanded usually entailed altering those aspects that were favourable to workers. A case was cited in Fishnet, where the right of workers to meet relatives during working hours was denied. At one time, a relative who had come to report a death was about to be turned away without delivering the message, had it not been for the intervention of a union leader who was at the gate at the time.

Another participant underscored the fact that development required stable industrial relations because productivity was directly related to this. Industries could only grow when workers were happy. Indeed, poverty alleviation had to begin with workers, or else it would be even harder to remove it from the villages. He raised the problem of health and safety in the work place, singling out foam industries as responsible for generating dangerous cough. Upon detection of this condition, foam investors discharged such employees from work, and yet the biggest blow for a worker was dismissal. This was why in Kakira, workers set fire on the sugarcane. Strong unions would, therefore, go a

long way in ensuring that production was maximised. So unless the unions were strengthened, and in so doing industrial relations stabilised, there was little chance of development.

Some questions were posed as to whether the labour movement had not taken opportunity of the favourable situation under the NRM, or whether the environment was not as favourable as it was made to appear; or even whether unions required more oppression of their members before being ignited into real action? It was observed that the Ministry of Labour was not represented on the Privatisation Unit, a factor which underlined how marginal to processes that affected workers this ministry was.

The discussion then shifted to focus on how to achieve good industrial relations and who was responsible for the nature of industrial relations as existed then. It was noted that workers could contribute to bad industrial relations even when some employers were intent on good relations. Some of the workers' leaders created a negative image to the workers which made them alienated from the unions. Government intervention could also adversely affect industrial relations when it favoured one side in disputes between employers and workers. As a way forward, emphasis should be put on working towards solidarity in the unions. Members had to be sensitised on trade union ideals. The public and government also had to be made to understand the real goals of trade unionism.

But the standard of trade unionism was observed to have remained as at the time of NOTU's formation, with private ambitions other than the need to bring people together to fight for their rights appearing to remain dominant. No attempt had been made to broaden the base of trade unions, particularly in terms of co-opting professionals within union ranks. Programmes to uplift the unions were called for.

Workers yearned for unionisation because privatisation and other policies were adversely affecting them. Education, seminars and dialogue were suggested as means of overcoming the prevailing union hurdles. The current emphasis on unions as opposed to professional associations was because the associations had not done enough to defend the rights of their members. But there were still some problems in these unions like disorganisation, undemocratic tendencies of leaders, and members who did not yet know the value of their belonging to unions. No wonder some employers did not even know what unions were all about. There was need to sensitise both employers and employees.

Labour unrest was attributed to the accumulation of long-standing grievances. Whereas there were mechanisms of ironing out these grievances, both employers and employees sometimes did not adhere to the provisions of these mechanisms. For workers, the issues that were important were job security, low pay, occupational safety and health and unfavourable terms and conditions of work. It was hinted that workers' organisations were weak because, like political parties, they were tied by article 269. Government was most concerned about a favourable policy for investors through liberal labour policies, and not much concerned about conditions of labour.

A rhetorical question was posed on whether unions belonged to workers or whether it was the workers who belonged to the unions. Whereas one could definitively assert that unions belonged to workers, the leadership of some unions had made unions

stop being instruments of championing workers' interests. Echoing the earlier debate on the importance of recognition, a member cited the Railways Union which was only recognised in 1974, after being in existence for some time. Union leaders had been misled by government to think they could use the law to defend unions.

The check-off system was blamed for making unions neglect mobilisation because they were assured of funds automatically. Unions had to re-emphasise capacity building, with a special focus on shop stewards because of their role in dispute resolution.

Another question was posed whether the interests of the workers and those of the state could ever coincide. It was noted that whereas there were many points of divergence, there were also points at which the interests of the state and the workers coincided.

Some factories were reported to have people unversed with the intricacies of industrial relations in charge. Where unions existed, such arbitrariness could be resisted. The quality of the union leaders had improved tremendously. But NOTU had not been instrumental in industry-specific bargaining. NOTU was called upon to get involved with the Federation of Uganda Employers in joint discussions over most outstanding labour issues.

A member who had emphasised the importance of recognition said that this safeguards workers from intimidation and victimisation of individual workers.

The legal framework was also queried as to whether it was unchangeable and whether workers could not operate within this framework to alter the unfavourable state of affairs. Two options open to trade unions were proposed. One was to mount pressure from energised unions. The second was to resort to the constitutional court. But the pressure could only be mounted when there was solidarity and unity.

Members of Parliament representing workers were, for example, noted not to have so far played a meaningful role in rejuvenating the unions. Was this simply because they had not been integrated into NOTU structures? It was pointed out that they had played a big role in the struggle between the workers of the Railways Union and management there which was alleged to be involved in serious cases of corruption. Besides this, Articles 40 and 29 of the 1995 constitution was a direct result of workers having a representation in the assembly and consulting the constituents.

Trade unions in Uganda were faced by the political question. The effectiveness of unions would flourish where interest groups were free to exist, such as political parties which would articulate the workers interests. This was possible only in a multi-party arrangement, where since parties could threaten an incumbent politically, they could not afford to ignore the union demands. Could unions remain apolitical? Could they remain aloof from politics? Workers influenced elections a lot. If they had an alternative, they would perhaps not elect NRM given the way it had sided with employers to oppress workers. But they had no alternative.

Regarding networking with other marginalised groups, someone reported disappointment with women's groups when he approached them about the case of a female employee of Equatorial Hotel who had to report for duty a day after delivering lest

she lost her job. The women Members of Parliament to whom it was reported and women groups showed no interest in this case.

Each union had a permanent representative to NOTU in the 70s and this created an organic link. This was no longer in place and it was proposed that this be revived.

6. Session III: Conditions of Workers

This session addressed the contemporary living and working conditions (both social and economic) of workers in Uganda. Leading the discussion, Simon Rutabajuka reiterated that structural adjustment programmes, privatisation and retrenchment had created precarious conditions for workers. So there was need to consider aspects like wages, housing and transport. Profit maximisation had come to be emphasised while wages had remained below subsistence levels. This was said to be good in stimulating investment and industrialisation, which were in turn taken as pre-requisites for improving workers' conditions. But there was need to question the validity of this assertion. History had clearly shown that workers' conditions could only be improved through struggle, and not merely because there was development. There was also need to question at whose expense development should come about.

The stated rationale for privatisation was the maximisation of motivation through hard work. Unlike in the 1960s when there was emphasis on state-led development, the 1990s were an era of privatisation. There was, therefore, need to carefully evaluate the implications of state withdrawal from the economy, especially where the bulk of buyers of the divested enterprises were foreigners. This affected not only the negotiations for wages but also the conditions of employment.

The CBR report detailed the neglect of workers' safety, especially in the steel rolling mills. This was compounded by the absence of a national employment and labour policy. But there was also need to question why, even after withdrawing from the economy, the state always intervened on the side of employers whenever there was discord between them and the workers. Was it simply an issue of law and order or was it much deeper than this? Why was the state paternalistic and coercive on those few occasions when it seemed to side with workers?

There was also need to examine the implications of casual and contract labour and how this affected trade unionism. What could unions do to counter these developments and mitigate its adverse effects on workers?

7. Open Discussions

It was observed that Uganda did not have an employment policy and that the International Labour Organisation was pushing for it to be put in place. It was regrettable that SAP had come in before there was an employment policy and, worse still, without consultation. There was, however, some belated attempt to consult employers and workers. Privatisation had been poorly implemented. Workers at first had to be discharged without terminal benefits and were being urged to join the informal sector

without being prepared for it. Even if SAP were to be a good policy, it could never succeed without being planned.

Notwithstanding the above, it was acknowledged that some Ugandans had, indeed, benefited from the economic policies of the NRM. An example was the reduction in the unnecessary state intrusion into the market which had enabled the emergence of rational and efficient mechanisms in the agricultural sector, where the marketing boards had caused considerable damage.

Someone suggested that the state supported employers because it had not yet appreciated the importance of workers. The case of Uganda Railways was cited where workers were discharged with only 15 per cent of a package of 650,000 shillings with the balance to be paid in 36 months. Although contract and casual labour was regulated by the rule that it must not exceed 60 days, this was circumvented by termination and re-engagement before such a period.

Conditions of work, according to one participant, could only be discussed where unions were recognised. Lack of a policy framework created confusion, since investors were not interested in workers' conditions. This was why they opted for casual and contract labour. But it needed to be appreciated that even oppressive and exploitative employment was better than complete unemployment. So workers faced with precarious job insecurity might even shun union intervention. A case was reported of a milk plant in Mbarara where workers operated in slave-like conditions. Because the Inspectorate of the Ministry of Labour was no longer efficient, the health and safety standards had gone down.

A question arose as to whether privatisation had been an effective answer to corruption. With allegations of under-valuation and kick-backs in the process, things appeared to have even worsened.

There was a call for a forum to be created to bring together government and unions to discuss the problems of privatisation. Before looking at the conditions in which workers found themselves, there was need to consider what brought about these conditions. For one thing, many were foreign-inspired conditionalities. When there were no policies, it became easy to impose conditions on a country. Government needed to liaise with stakeholders in the formulation and implementation of policies.

With respect to wages, housing and transport, a board was appointed to look into the issue of minimum wages but its report had not been implemented. There was need to find out why. Most houses for workers had been sold, most often not to the workers. Those that remained were in appalling condition. Public transport companies which used to ease the transport costs to workers had been wound up.

The reduction of workers was justified as one way through which conditions of the remaining reduced number could be bettered. But this had not happened. Retrenched workers could not even maintain their children. This had led to an increase in child labour. The pace of privatisation had been too swift in Uganda, compared to countries like Britain where the process had been on for about 18 years.

New technology was also a source of concern. Oil companies had begun introducing fuel cards which would make pump attendants redundant. Computers had

displaced personnel in banks. Sex workers (prostitutes) might also have increased because of the SAP constraints. In hospitals the situation was so grave that a case was told of a patient who had got better but had to be maintained with a feeding tube not removed until medical bills were cleared.

Government had to cater for the welfare of its citizens, not only that of foreign investors as the NRM was doing. Even employers did not need not be exclusively exploiters and could afford the equity being demanded by the unions.

Someone asked how many more jobs had been created since privatisation was embarked on? Privatisation had made the rich richer and intensified the poverty of the poor. In Grain Milling Company, retrenchment had been followed by lower salaries.

Workers could exert impact even as casual labourers. The 1945/9 riots were spearheaded by domestic workers and the reforms that led to positive changes in the labour laws in the 1960s were championed by construction workers both of which groups were not so organised.

Whereas government and employers did not appreciate the value of labour, some workers actually undervalued their labour. So, there was need to sensitise all parties on the worth of labour.

It was pointed out that trade unions could also be exploiters, especially when they did not work at establishing an independent financial base and continued to rely on the already meagre salaries of the workers. Only the Electricity and Allied Workers Union had made an attempt to set up an income-generating enterprise. NOTU was called upon to introduce income-generating activities so that it could sustain its operations independently.

Additional problems were raised. Workers' education had been neglected. The omission of some public employees such as the police from unionisation had meant that their situation would remain ever degenerating. The fact that there was no compensation for white collar jobs needed to be re-examined.

It was proposed that NOTU meets government because it appeared government had not received the true picture of the workers' conditions and the demands of unions.

In the privatisation process, a participant cautioned that government was losing a lot by not involving expertise from within the privatised utilities. For Post Office, it was reported that lawyers and engineers from outside the corporation were the only ones deciding how its privatisation should proceed.

Also, delays in the process of privatisation of those parastatals earmarked for this purpose were singled out as creating uncertainty and apathy within both management and staff. This had encouraged them to vandalise and massively loot these enterprises before they were sold off. It was also pointed out that lack of transparency in the privatisation process was responsible for such dubious deals like the Nile Hotel Complex where investors ended up not meeting their part of the bargain.

8. Plenary Discussions

Session I

From the previous days' deliberations, this session identified issues related to the legal framework that needed to be practically addressed. These included how the issue of recognition could be approached and strengthened; the rights of people being retrenched; democracy within unions and NOTU; how to improve on the working of the Industrial Court; the appropriate machinery for resolving disputes in the Public Service; and the forging of alliances between workers and other sectors of society.

On recognition, it was observed that pressure could sometimes result into recognition. But when this failed and the matter was taken to the Ministry of Labour, it was surprising that employers became even more obstinate. What transpired between the ministry officials and employers to bring about such a negative development was still unclear. One solution would be for NOTU to demand that the ministry issue a clear statement regarding the issue of recognition as a matter of constitutional right. NOTU also had to demand that all pending disputes of recognition be forwarded to the Industrial Court.

Government itself was refusing to recognise unions of public servants. How could it be relied upon to put pressure on other employers to recognise unions? Militant measures like marching and demonstrations and protests, if concerted, could yield positive results. But critical alliances were necessary because of the small size of the labour force. There was need to identify groups that could be instrumental. NOTU should call a meeting of all unions to come out with a coordinated approach on recognition.

It was clarified that the rights of the retrenched workers depended on the stipulations in their contracts. The best strategy was to insist on getting their terminal benefits and other entitlements before the divestiture. But at the same time that government was divesting, it was also creating new bodies like the Civil Aviation Authority. The transfer of workers in such a situation should be with all benefits and terms. If there was a transfer from a parastatal to a new employer, like the case of workers of Uganda Airlines who were handed over to Entebbe Handling Services (ENHAS), the situation could be complicated if there was no agreement on how the costs of terminal benefits were to be shared between the old and new employer.

On the Industrial Court, it was noted that there was no direct access to this court other than through the Minister of Labour. The option of both parties signing a consent to refer a matter to court had been found impracticable. To strengthen it, several reforms had to be made. The court should be made independent of government. There should be direct access to it. It should have powers to enforce its awards and its judgment should be final - not subject to review and appeals.

The negotiation machinery and arbitration body for the public employees should be discussed at an appropriate forum at the initiative of NOTU.

Session II

NOTU was criticised for having no plan of action and clear targets. It had hitherto operated on an ad hoc basis, just responding to emerging crises. While some unions were organised and had clear plans, circumstances could not allow them to implement these plans. It was, however, agreed that NOTU could only derive programmes from what its constituents forwarded to it; and member unions were the ones directly responsible for NOTU plans.

Someone cautioned that politics could be both an advantage and a threat to the trade union movement. The environment was currently not favourable. There was lack of militancy in Ugandan trade unionism.

Participants expressed concern that Members of Parliament representing workers were detached from NOTU. At one time, these MPs were co-opted as ex-officio to the NOTU secretariat but this was no longer the case. It might require amending the constitution of NOTU to allow for the recognition of the role of MPs in the labour movement or else it would be hard for MPs to be meaningfully involved. An MP representing workers' clarified that MPs had been engaged in many struggles with government over workers problems although NOTU might not have recognised and appreciated their role. This perhaps explained why NOTU had not facilitated them to reach out to the workers over important labour issues.

There was a problem of lack of grassroots mobilisation undertaken by NOTU. MPs had tried to come up with a caucus for the marginalised, but if they were to come up with private bills, then these had to be well-researched. MPs also dealt with issues beyond NOTU and there had been a failure to recognise their contribution, even in cases like the crisis in Uganda Railways. The question of how MPs should be integrated into NOTU structures was important. MPs needed to be accorded facilities to consult their constituents and NOTU had to embark on a comprehensive mass mobilisation of workers in the whole country.

Concern was expressed that NOTU lacked publicity. It had no newsletter, or even simple brochures. It also needed radio programmes. Workers' education had to form a core part of the trade union agenda. It was reported that there were education programmes in all the individual unions and NOTU. The ILO had a two-and-half year programme to train all categories of workers.

There was a call for the ILO Convention No. 87 to be ratified by government. It was, however, argued that freedom to unionise was better guaranteed by the constitution.

9. Closing Ceremony

The guest of honour at the closing ceremony was the Permanent Secretary in the Ministry of Labour, Ms Kisakye. She was welcomed to the seminar by the Executive Director, CBR, Dr. John-Jean Barya, who gave a brief history of the Centre for Basic Research, the scope of its research agenda and the way it came to be involved with NOTU

and labour matters. He then called on the Resident Director of Friedrich Ebert Stiftung, Hajo Lanz, whose organisation had sponsored the seminar, to say a few words.

Mr. Hajo Lanz began by thanking CBR for organising the seminar, particularly the facilitation of the discussions, which he regretted he could not attend and contribute to because of other commitments. He pledged further collaboration with NOTU in the furtherance of trade union ideals. Being very anxious to hear the outcome of the seminar, he ended his brief remarks by calling upon the Secretary General of NOTU, Mr. Ongaba, to say something before inviting the guest of honour to officially close the seminar.

Mr. Ongaba expressed gratitude to FES for all the support and interest in the labour movement and thanked CBR for its outstanding contribution in terms of generating educational material for workers. Commenting on the theme of the seminar "Workers' Social conditions in Uganda Today", Mr. Ongaba said that this was a very timely concern as the implementation of structural adjustment programmes had had very adverse consequences for the conditions of workers, which conditions were already bad. So, the seminar had given leaders of the workers' movement ample opportunity to discuss these developments and chart a new course on the challenges that had arisen out of the new situation. He particularly thanked the Permanent Secretary for being physically present to hear for herself issues which the labour movement was most concerned about and hoped that she would, indeed, agree to be enlisted as a partner in the struggle to better the conditions of not only workers, but of all Ugandans. He then called upon the Rapporteur for the seminar, John Ssenkumba of CBR, to read out the resolutions, which Ssenkumba read out as hereunder:

A. Resolutions of the NOTU/CBR Seminar

1. The trade union movement notes with satisfaction the 1995 constitutional provisions that guarantee the right of every worker to form and belong to a trade union as well as the right to collective bargaining and representation.
2. In spite of the above constitutional rights, trade unions face a lot of resistance from local and foreign investors, following privatisation or the establishment of new enterprises. In order to realise their constitutional rights, it is hereby resolved that:
 - A. The Ministry of Labour and Social Affairs should issue an unambiguous statement spelling out the constitutional provisions that workers have a right to belong to a trade union and engage in collective bargaining without any pre-conditions.
 - B. Trade unions should, under the leadership of NOTU, pressurise and if necessary demonstrate, against employers who have refused to recognise unions in their work places.

- C. Trade unions should petition the Constitutional Court against employers who refuse recognition to trade unions to make orders that such employers recognise the unions as required by the constitution.
- D. Each trade union should put maximum pressure, and should be assisted by NOTU, to ensure that stubborn employers accord unions recognition.

For unions in the public service, NOTU convenes a meeting to address the best way to handle their recognition, negotiation and dispute settlement machinery issues with government.

3. In respect of the Industrial Court, trade unions resolve that:
 - A. This court should be made independent of government and be self-accounting and its status be raised to that of the High Court.
 - B. Either party to a dispute should be free to file it directly in the Industrial Court without going through the Ministry of Labour.
 - C. The Industrial Court should be given powers to enforce its decisions.
 - D. There should be no appeal against decisions of the Industrial court.
 - E. All labour offenses should be tried by the Industrial Court.
4. Before privatisation of any public enterprise or retrenchment, the terminal benefits, pensions and all other dues of workers should be fully paid so that they enter new contractual arrangements with new employers.
5. Where an employer takes on workers who are already unionised, the new employer should automatically continue to recognise the union.
7. The government should not pass and implement economic policies only favourable to employers and investors, but should take into account the interests of workers and involve them in the formulation of such policies. Government must also ensure that all investors and employers adhere to and follow the constitution and the existing labour laws of Uganda.
8. Following the recommendations of the Minimum Wages Advisory Board, government should institute a clear policy and rates on minimum wages to minimise the unmitigated exploitation of workers in some industries.

9. Whereas retrenchment in the public service and parastatals was largely meant to lead to an improvement in the wages and working conditions, this has not been so in most cases. Trade unions and workers demand that government and parastatal begin paying an adequate and realistic wage package.
10. Government should enforce the law against the employment of child labour and unions should fight the growing trend of the use of casual and contract labour by most employers in an attempt to undermine trade unionism.
11. Trade unions demand that they should be accorded full freedom of association by the government ratifying the International Labour Organisation Convention Number 87.
12. There should be a social clause in the investors' agreements which protect the rights of workers in Uganda.
13. Government should apply for the existing facilities in international financial institutions for assisting retrenched workers.
14. The Inspectorate of the Ministry of Labour should be reactivated to enforce labour standards. In addition, NOTU should create its own inspectorate section to ensure that workers do not work under hazardous conditions.
15. For purposes of organic linkages, Members of Parliament representing workers should be appropriately incorporated into the structures and framework of NOTU.
16. The terms and conditions of participation in NOTU by its affiliates as well as the tenure of office holders should be reviewed by the relevant trade union organs.
17. NOTU and its affiliate unions should consciously seek alliances with other civil society organisations such as Uganda Teachers' Association, Uganda Law Society, Academic Staff Associations of tertiary institutions and sympathetic Members of Parliament so that their struggle and interests get the broadest possible support.

**B. Closing Remarks by the Permanent Secretary,
Ministry of Labour, Ms. Justine Kisakye**

Mr. Ongaba then called upon the Permanent Secretary to address the seminar. She began by thanking the organisers for inviting her and commented that although this was at short notice, she had to ensure she did not miss an opportunity of interacting with leaders of the trade union movement. And judging from the quality of the resolutions, the discussions must have been very engaging and interesting. Before going to her prepared text, she began by responding to some of the issues raised in the resolutions.

With respect to a statement on the rights of workers to unionise, she said the ministry was very concerned with employers who violate this right. In her view, if the ministry issued a statement, it would go some way to enhance the efforts of unions struggling for recognition. She agreed to issue it.

Regarding public service unions, negotiations on the recognition agreement were in advanced stages when the legal implications set in. Government then opted to move cautiously, the issue of unionising public employees being a new concept. But the commitment to resolve this was there and workers should not be worried.

The Industrial Court was already supposed to be self-accounting and was supposed to be restructured as a corporate body. Arrangements were in the pipeline to upgrade the status of the Industrial Court. As for going through the Ministry of Labour to forward disputes, it was purely meant to give technical guidance to strengthen the workers' case. But if there were plausible reasons against this, then the unions should make them known so that the situation could be addressed. The same applied to the rationale of unions demanding that all labour offenses be tried by the Industrial Court.

Terminal packages had also been a big concern to the ministry. The Ministry of Labour was not given any hand in this responsibility, but because of the fact that the workers were directly affected by decisions of the Privatisation Unit, the ministry was fighting to get a role.

Regarding compensation, a bill had been put before the previous Parliament before it was dissolved. This bill had now been resubmitted to Parliament with revisions and it was hoped that it would address the issue of compensation. Since 1994, several labour laws had also been forwarded to Parliament for amendment but they had not yet been attended to. They seemed not to be a priority.

Concerning minimum wages, the principle was very agreeable to the ministry but most employers had expressed a lot of resistance. The ministry was trying to arrive at a wage level acceptable to them or else they might even exhibit more resistance against unionisation.

On the International Labour Organisation (ILO) Convention 87, a meeting is about to be convened to discuss pending issues so that government would go ahead and ratify it.

The reactivation of the Inspectorate of the Ministry was only hampered by budgetary constraints but plans were afoot to revitalise this section.

The ministry was also trying to push for schemes to cater for retrenched people locally while waiting for facilities that government might secure from the international institutions.

Having responded to some of the issues raised in the resolutions, the Permanent Secretary then made remarks on the theme of the seminar. She reported that in the operations of her Ministry, the principle of tripartism, involving workers' organisations, employers' organisations and government was respected. Therefore, the workers and employers were social partners with government and the changing economic conditions required collaborative and consultative action to address unemployment and industrial relations in the work place and to set guidelines on labour market flexibility, job security,

social protection and payment systems linked with productivity at the enterprise level. So the absence of employers and government from this forum was a missed opportunity which would have enhanced dialogue on all pertinent issues.

The workers' social conditions and the welfare of workers was a direct concern of the Ministry of Labour. So were unemployment and lack of recognition of unions by employers. Two factors that had adversely affected workers' welfare were the economic situation and population growth rates.

On the economic front, government had pursued free market policies with a minimal role on its part in the economy. The major tenets of this included liberalisation of trade, privatisation or divestiture, civil service reform and improving revenue collection to finance infrastructure. These policies had caused retrenchment and government withdrawal from the economic sector. Employment in the public sector was now very limited. Workers' welfare was compromised because people were ready to accept very low wages. This had had a negative effect on unions which had lost their members and had their financial base depleted. This had affected labour relations and harmony.

The institutions required to enforce standards of work had been weakened. In the process of restructuring, employers were placing more emphasis on efficiency and productivity, disregarding labour relations issues such as freedom of association, collective bargaining and dialogue.

So the seminar had been extremely relevant to re-assess the policy of structural adjustment, particularly its adverse social consequences. It was important to ask why adjustment had caused suffering. What had gone wrong? Was it the analysis leading to the strategy that went wrong or were the objectives wrong? In order to rectify the mistakes made during the process of adjustment, it was necessary to involve all stakeholders; and to the extent that this seminar had been a pioneering effort in this regard, it was to be commended.

Looking forward to receive a copy of the seminar memorandum and report to be able to make a follow-up on some of the issues raised, she then officially closed the seminar.

List of Participants

| Name | Organisation |
|----------------------------|--|
| 1. Christopher Kahirita | National Organisation of Trade Unions |
| 2. Mudirikad Mukasa | Clerical Union |
| 3. George Balidda | Uganda Postal Employees Union |
| 4. Lyomoi Otonga Ongaba | National Organisation of Trade Unions |
| 5. John Epiu | Uganda Railways Workers' Union (Iganga) |
| 6. Joseph Musiira | Uganda Railways Workers' Union (Jinja) |
| 7. David Lubyia | Printers' Union (Entebbe) |
| 8. Justin Talenga | Uganda Civil Service Union |
| 9. Justus Cadribo | National Union of Education Institutions |
| 10. Onesmus Avua | National Union of Education Institutions |
| 11. Samuel Buhigiro | Beverages and Tobacco Union |
| 12. Martin Wandera | Hotels Union |
| 13. Hassan Mudiba | Uganda Public Employees Union |
| 14. James Musazi | Building Union (Mpigi Branch) |
| 15. D. Byekwaso | Uganda Medical Workers' Union |
| 16. Clement E. Ouma | Textile and Garment Workers' Union (Jinja) |
| 17. Robinah Kirinya | Uganda Civil Service Union |
| 18. Edward Rubanga | Centre for Basic Research |
| 19. Mesiramu Oloka | Building Union |
| 20. Robert Matukhu Wanzusi | Uganda Public Employees Union |
| 21. Hon. Dr. Sam Lyomoki | Uganda Medical Workers' Union |
| 22. Charles Magemeso | Mines and Metal Union (Jinja) |
| 23. Vincent Ojiambo | Mines and Metal Union (Jinja) |
| 24. Esther Tibanagwa | Amalgamated Transport Union (Entebbe) |
| 25. David Baliraine | Amalgamated Transport Union |
| 26. Suleiman Kiggundu | Clerical Union |
| 27. Wilson Okello | National Organisation of Trade Unions |
| 28. Ponsiano Tizihaboona | Uganda Electricity Union |
| 30. Anthony Sentongo | Friedrich Ebert Stiftung |
| 31. Hajo Lanz | Friedrich Ebert Stiftung |
| 32. John-Jean Barya | Centre for Basic Research |
| 33. Josephine Ahikire | Centre for Basic Research |
| 34. Simon Rutabajuka | Centre for Basic Research |
| 35. Crispin Kintu Nyago | Centre for Basic Research |
| 36. John Ssenkumba | Centre for Basic Research |

CBR WORKSHOP REPORTS

1. **Pastoralism, Crisis and Transformation in Karamoja**; Report of a Workshop Organised by CBR and held at the Faculty of Science Makerere University, August 14 - 15, 1992, by Joe Oloka-Onyango, Zie Gariyo and Frank Muhereza; 26p.
2. **Women and Work: Historical Trends**; Report of a Workshop Organised by CBR, and held at the Faculty of Science, Makerere University, September 7-10, 1992, by Expedit Ddungu, James Opyene and Sallie Kayunga; 61p.
3. **Workers' Education**; Report of a CBR Workshop held at the Faculty of Veterinary Medicine, Makerere University, March 19-20, 1993, John Jean Barya, Sallie Simba Kayunga and Ernest Okello-Ogwang; 47p.
4. **Pastoralism and Crisis in Karamoja**; Report of the Second CBR Pastoralism Workshop held at St. Phillips community Centre, Moroto, January 28-29 1994, by Frank Emmanuel Muhereza and Charles Emunyu Ocan; 19p.
5. **Regional, Workshop on Public Interest Environment Law and Community-Based Initiatives for Sustainable Natural Resources Management in East Africa** held at Colline Hotel Mukono, in August, 1996 by Samson Opolot and James Opyene; 37p.
6. Report of a Workshop Organised by CBR on "**A Dialogue on Gender Dimensions of Agricultural Policy in Uganda**" held at Fairway Hotel Kampala, May 3-4, 1996, by Samson James Opolot and John Ssenkumba; 58p.
7. **Report on the Proceedings of the NOTU/CBR Seminar: Worker' Social Conditions in Uganda Today** held at held at Pope Paul VI Memorial Community Centre on 22-23 July 1997, by John Ssenkumba and Crispin Kintu; 27p.