GOVERNING INFORMAL TRANSPORTATION: THE OKADA WAR IN LAGOS AND ACCRA

1. An overview of the proliferation and governance of commercial motorcycles (Okada) in Lagos and Accra

Both the Governments of Ghana and Nigeria have clashed with various interest groups on whether commercial informal motorcycles popularly known as Okada should be recognized as a major transport mode or not in urban areas. While the situation may seem like an emerging one for residents in Accra, this conflict has been raging for decades in Lagos. For many, the proliferation of Okada in African cities is a menace to urban growth and management. There are increasing concerns about the use of motorcycles for committing heinous crimes, increasing traffic congestion and road accidents, and contributing to environmental destruction. Agbiboa (2018) indicates that commercial motorcycles contributed to 67% of road accidents in Lagos. Additionally, commuters associated lawlessness, violence, and crime mostly with Okada riders. Regardless, the operations of okadas seem to be thriving in both cities. Advocates for these commercial motorcycles argue that Okada helps to easily maneuver congested spaces, use narrow roads, and appears convenient for most dwellers of the city, especially the urban poor.

Some scholars have attributed the proliferation of okada in Accra and Lagos, partly to the adoption of the Structural Adjustment Programmes (SAPs) in the 1980's. By virtue of its components of deregulation, privatization and fiscal reforms, the SAPs in Ghana resulted in wage unemployment in both public and private sectors. Before the SAPs, it has been argued that the State-owned City Express Service (CES) and the Omnibus Services Association provided reliable and safe intra-city transport services (Armah, Yawson, & Pappoe, 2010).

However, due to mismanagement and unparalleled competition from the private sector, these two public transport services were closed. The consequence was chaos on urban roads manifested in congestion, delays, and deterioration. Similarly, with a population of about 18 million inhabitants, and urbanization fraught with corruption, crime, pollution, and congestion (Kaplan, 1994), okada riding in Lagos emerged as a local response to the growing demand for public transport due to the inefficient state-owned public services in the 1980s (Kumar, 2011). The Structural Adjustment Programmes (SAPs) made it impossible for many workers with inelastic incomes to depend on their salaries. The gap in public transport provision and the economic downturn left a window of opportunity for the unemployed youth in commercial transportation. Okada became a means of addressing both the transport and unemployment crises for most urban youth in the cities. By providing timely commercial services, Okada provided a revenue stream previously not tapped. Kumar (2011) posits that over 500,000 youth are employed through the Okada business as riders, mechanics, spare-parts dealers and renters, servicing about 10 million commuters daily in Lagos (Agbiboa, 2018). Additionally, Okada

operators contribute to taxes under the National Union of Road Transport Workers. The business is made attractive by the daily demands for the services, low start-up capital and cost of maintenance.

In Ghana, even though the National Transport Policy recognizes that effective transportation systems are essential for national development, transport policies have not been granted the most attention by policymakers (Oteng-Ababio & Agyemang, 2015). With the overarching goal of economic efficiency, most governments in the twentieth century have rescinded from active engagement in the market, resulting in a minimal investment in public transportation (Gomez-Ibanez & Meyer, 2001). Such underinvestment in public transportation exposes poor and vulnerable groups in increasingly urbanizing areas to varying intensities of transport problems and transport poverty, to which they adapt informally. The Government of Ghana's continued deficient strategies in planning, financializing, and implementing efficient and effective transport policies have made Okada a preferable alternative to most dwellers in Accra. Advocates of Okada posit that the proliferation of Okada is a consequence of the decline in organized public transport in the city. In Accra, Okada is only filling a gap left by inefficient public transport systems. Ghana's Road Transport Law, Legislative Instrument (LI 2180), implemented in 2014 to ban Okada, only serves as a short-term political agenda for politicians, which ignores the broad inadequacies in the public transport system. After over 6 years of its passage, there has only been a rising number of Okada territories in the country's capital. Additionally, the country's primary opposition party which oversaw the ban in 2012 is now advocating for legalization and regularization of the Okada business just as was done in Lagos in 2007. This attempt can only be recognized as a populist approach to obtain voter's confidence in upcoming elections. Okada may be an inefficient response to an inefficient transport system; however, recent government interventions only compound the problem by changing market dynamics and encouraging rent-seeking which favors the privileged few in Accra.

Unlike the Ghanaian case, the recent debates on the okada crises in Lagos have been primarily propelled by the State's intentional strategic agenda. In their quest to transform Lagos into a global modernized megacity (De Gramont, 2015), various governments since 2007 have identified okadas as a nuisance to the modern orderly city, instituting legal frameworks that restrict the operations of Okada riders. The 2012 Road Traffic Law prohibited okada riders from accessing certain major roads in Lagos, empowering law enforcement authorities to exercise discretion in its implementation. Following this and subsequent protests by okada operators and Lagosians alike, the Anacowa Motorcycle Owners and Riders Association (ANACOWA) and its legal practitioners sued the Lagos State government for violating various rights of okada riders. Even though as part of its counter affidavit the Lagos state government posits that the World Bank Funded BRT system provides a viable alternative to transportation in the city, most scholars are of the view that the implementation of such an initiative with its limitations still does not address the structural problems that commuters face which makes Okada a preferred option. Long waiting times and limited reach characterizes Lago's

BRT systems. Additionally, the ANACOWA and its legal team claimed that underinvestment in road infrastructure contributed primarily to most of the road safety issues that Okada has been blamed for. The primary argument of the suit was the violation of the rights of okada riders to the city and the freedom to engage in meaningful economic activities.

The bigger question of how governments govern informal transportation in emerging economies is not easily answered in this paper. By examining the Lagos Road Traffic Law of 2012 and Accra's LI 2108 of 2014 and the resistance that follows them, I argue that coercive government regulatory interventions of the informal motorcycle sector in the face of rising youth unemployment, and the absence of efficient and effective transport system only exacerbate the transportation crisis, especially for the urban poor. Experience from the two cases indicates that, whether okada operations are legalized and regularized or completely banned from the urban fabric, new politics of informal transportation which are not easily navigated are created, and usually policy goals (in these cases restrictions and bans on okada operations) are hardly met.

Both Accra and Lagos are selected for this review because they are economic powerhouses of their respective countries where there has been a proliferation of okada operations. Recent years have seen the lived realities of the Okada crisis (forcible seizures, protests, blockades, vandalism, court proceedings, political rallies) in these cities.

2. The Lagos State Road Traffic Law 2012, LSRTL 2012

The Lagos Traffic Law formed a fundamental component of the city's neoliberal urban renewal agenda aimed at transforming the city into a ''World Class' megacity, which commenced under the leadership of Bola Ahmed Tinubu, Governor of Lagos State between 1999 and 2007 (De Gramont, 2015). The law was however passed by Babatunde Raji Fashola's administration (2007 to 2015) with the aim of safeguarding lives and properties by prohibiting okada riders from using 475 major routes in the city. Additionally, a documentary film titled ''*Aye Olokada"* was produced to educate Lagosians about the dangers of using okada to discourage the patronage of commercial motorcycles. Fashola's 'modernizing' plan for Lagos was meant to be a model of a global megacity. Consequently, okadas were seen as a menace to making Lagos a modern city. A Tribunal of Inquiry was established in 2008 to report on the okada activities. The Tribunal advised that:

> *It is necessary to restrict okada operations to those Local Government Areas where they are needed and even then to certain roads within those Local Government Areas (LGAs). They should then be prohibited from inter-Local Government operations as well as operations on our major highways and bridges like Third Mainland Bridge, Eko Bridge and all Bus Rapid Transit (BRT) designated routes (Report of the Tribunal of Inquiry, 2012).*

Activities of okada riders were represented as dangerous and criminal. It is argued that the State resorted to forceful legal strategies to coerce, segregate, and restrict okada riders from certain parts of the city. Specifically, Section 3 of the Road Traffic Law restrained the spatial activities of riders and imposed punitive measures on offenders.

1) *No person shall ride, drive or propel a cart, wheel barrow, motorcycle or tricycle on any of the routes specified in Schedule II to this law.*
2) *No person shall operate a motorcycle or tricycle without a Rider' Card issued by the Lagos State Motor Vehicle Administration Agency*
3) *No person shall operate a motorcycle or tricycle either as a rider or a passenger without wearing a standard protective crash helmet as may be prescribed under the*

   Regulations of the Law
4) *No operator shall carry more than one passenger at a time.*
5) *Any person who fails to comply with any of the provisions of this Section commits an offence and shall be liable on conviction to –*

   i. Imprisonment for a term of 3 years or render community service in accordance with the provisions of Section 347 of the Administration of Criminal Justice Law of Lagos State; and
   ii. Have his vehicle forfeited to the State
6) *As from the Commencement of this Law Commercial motorcycles shall only operate between 6.00a.m – 8.00.pm*

Additionally, law enforcement agencies (the Police) were granted discretionary powers to ensure full compliance with the law.

> *'Any Police Officer or Officer of Authority may apprehend without warrant any person who commits within his view, or whom he reasonably suspects of having committed, an offence under this Law' (Section 28, LSRTL, 2012: A88)*

Agbiboa (2015), contends that such appropriation of power is manifest in the Nigerian Police's popularity for corruption, brutality, and low public accountability. Following these developments, many residents and okada operators alike protested what is deemed an injustice of the law.

3. Ghana's Road Traffic Regulation 2012, LI 2108

The Road Safety Regulation (Legislative Instrument LI 2180) was presented to parliament for consideration by the National Road Safety Commission (NRSC) and the Ministry of Road and Transport (MRT). Parliament passed LI 2180 unanimously in July 2012 which among other things, bans the use of motorcycles for commercial purposes. Specifically, Section 128 of the Law States that:

1) *The Licensing Authority shall not register a motor cycle or tricycle to carry a fare paying passenger.*
2) *A person shall not use or permit a motor cycle or tricycle over which that person exercises control to be used for commercial purposes except for courier and delivery services.*
3) *A person shall not ride on a motor cycle or tricycle as a fare paymg passenger.*
4) *A person who contravenes subregulation(l), (2) or (3) commits an offence and is liable on summary conviction to a fme of not more than twenty-five penalty units or to a term of imprisonment of not more than thirty days or to both.*

Unlike the Lagos case, the promulgation of LI 2180 in Ghana followed an insistent call by civil society organizations, government agencies, interest groups and citizens alike to the increasing safety concerns associated with the use of okadas. Government officials were not working to promote a strategic urban development mandate to transform the city, rather politicians were responding to the swaying outcry of citizens. What is of major concern here, is the partisan politicization of the crisis. The Law was passed in 2012 under the John Dramani Mahama (President, 2012 to 2017) administration. Following many protests in Accra, during the 2016 and 2020 presidential campaigns, when the legalization of okadas became part of the major debates, the very administration (leadership of the National Democratic Congress) that banned it promised citizens that it would legalize the okada business. This mounted some sought of political pressure on the incumbent, Nana Addo Danquah Akuffo Addo to also promote a similarly popular political agenda. Initially, the goal was to regulate the activities of okada riders but when that appeared politically not feasible, the administration decided to facilitate the purchase and use of mini-cars under the Transport Recapitalization Policy (Agyemang, Mensah, Obeel, & Acquah, 2021).

Regardless of all efforts to restrict the use of commercial motorcycles and promote the use of alternatives, the business continues to see a boom in Accra. In 2021, a minority member of parliament presented a petition to the house once again requesting the legalisation and regularization of okadas, arguing that the benefits of commercial motorcycles outweigh the costs of their operationalization. Paragraphs 24 and 25 of the petitions read as:

> *These negative tendencies necessitated a call for an outright ban of the practice and also some of the major reasons that initially influenced the passage of the law. But it is my considered view that the benefits outweighs the social costs and as such as we cannot kill the goose that laid the eggs by this country's continuous ban on the motorcycles or tricycles for commercial purposes*
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> *The suggestion that motorcycle or tricycle are used to commit crimes such as snatching of mobile phones and money from people and speed off thereafter is not inherent in the mode but is a consequence of the inadequate law enforcement. Where criminals have adopted*

> *motorcycles as a tool of criminal activity, police will need to develop methods of countering this trend* (Muntaka, 2021).

4. Law and Politics: Okada Realities and Resistance

The implementation of these legal apparatuses in both Lagos and Accra has only reinforced existing mobility challenges and created new urban politics that are difficult to navigate, especially for those in low-income groups – okada operators included. The current atmosphere of the okada issue takes on different politics in the two cities, even though underpinned by the same structural causes.

For instance, after six years of initiating the complete ban in Accra, the sustainability of LI

2180 is in question. There continues to be a growing number of okada operators in the city. The ban was instituted at a time when Okada had become a major source of income for both the youth and some senior public officials in the city. There are allegations that motorbikes are procured by public officials and rented out to operators at a fee. Additionally, with limited logistics, law enforcers are challenged to stomach okada riders in the absence of a more efficient alternative. There is the difficulty of identifying and differentiating private motorcycles from those used for the okada business. It is argued that passengers sometimes connive with operators making the identity problem even more difficult for law enforcement officials (Agyemang, Mensah, Obeel, & Acquah, 2021). While okada operators, sympathizers and some sections of the public are concerned with the loss of their livelihood sources and limited mobility to and within areas with deprived road infrastructure, others have embraced the ban and its intended purpose of safeguarding the lives of citizens.

Perhaps the most concerning issue is the level of partisan politicization of the okada issue, which has limited comprehensive assessment of the structural causes of the crisis. The ban emerged from the outcry over the rise in okada accidents. Legitimizing and criminalizing okada on this basis while overlooking other causes such as urban planning, and economic and attitudinal issues. Various political administrations have used this as an underlying basis to win the support of electorates in advancing their political paths. Undoubtedly, the issue demands an in-depth apolitical assessment which is comprehensively evidence-based. The failure of policymakers to acknowledge the government's allocative and technical deficiencies in public transport, amidst rising youth unemployment as well as the low entry requirements and attractiveness of the okada business, underpins the resilient nature of the business (Amankra, 2006).

Meanwhile, in Lagos, Okada operators were expressing their grievances through the law courts. The restrictions led to protests by okada operators and many poor Lagosians who bemoaned the injustice of the legislation and the coercion applied in its implementation by police and other law enforcement officials. As okadas disappeared from many parts of the city, especially the coastal areas, residents were left with no means to commute to work. Consequently, ANACOWA contested what it referred to as a violation of the constitutional human rights of its members in court, against the Lagos State. This

was a demonstration of how legality is increasingly surrounding the articulation of identities, interests, and injuries in cities in the global south as conflicts elaborated through protests, blockades, media campaigns, and strikes get resolved in law courts (Comaroff & Comaroff, 2006).

ANACOWA and its legal team delivered five declarations to the Lagos High Court against the State's Road Traffic Law arguing that the law violates their rights and freedoms guaranteed by the constitution of the Republic of Nigeria and the African Charter on Human and People's Rights. First, it declared that the law was unconstitutional, unlawful, and illegal given that it prohibited the use of motorcycles, carts, wheelbarrows and tricycles on some defined routes, and motorcycles were forcibly acquired from the riders. This constituted a violation of rights to freedom of movement of okada riders, rights to have movable property, rights to engage in economic activities outside the main sectors of the economy, the state's duty to ensure that citizens can secure adequate means of social livelihoods, and the right not to be discriminated by government authority. ANACOWA sought the court to impose a perpetual injunction on the Lagos State government from prohibiting the activities of okada riders forcibly seizing their motorcycles and releasing all seized okadas. The Lagos State government argued that okadas had never been approved by the state for public transport provision. The State further indicated that following the tribunal inquiry, okadas were to blame for increasing road fatalities, constituted security risks, contributed to air pollution, and that the Law did not violate rights and freedom of movement since it did not restrict the movement of people but the mode and means of movement (Agbiboa, 2018).

For both cities, an unintended consequence of the ban and restriction is the removal of legal authorization for okada operations exposing operators to official harassment. Regardless, even after arrests and imposition of fines, the operations of commercial motorcyclists are still increasing. It is not uncommon to assume that the ban in Accra has not achieved its goals and restriction in Lagos is producing a new mobility reality that is likely to be adapted to through informal means. Nonetheless, the nature of the ban in Accra and the endurance of the sector makes the argument for legalizing and regulating commercial motorcycles a more palatable option. The proliferation of okadas in Accra amidst the ban is a manifestation of the city's overreliance on the informal sector, which does not appear to be a desirable urban growth strategy. Arguably, one cannot overlook the fact that emerging urban transport policy reforms need not ignore the informal sector which makes up about 70% of the urban market (Finn, Abeiku-Arthur, & Gyamera, 2009). However, given the Lagos experience, policymakers ought to be more concerned with structural imbalances that facilitate the acceptance of okadas by urban residents.

5. Conclusion

This brief review intended to examine the effectiveness of the government's coercive legal frameworks in governing informal transportation; and the okada crisis in Lagos and Accra through existing literature.

Two major issues stand out from the two cases. First, the discussion has so far highlighted the importance of okadas to the transport systems in both cities. The okada issue emerged from the growing urbanization of poverty amidst poor planning within public transport systems which has resulted in congestion, road fatalities and mobility limitations. Addressing this systemic failure with legal instruments against informal transport operators appears so far to be miscalculated and a mismanaged strategy. The increasing growth of okada operations amidst these coercive legal frameworks in Accra shows that both the riders and those who patronage their services will continue to rely on this mode in as much as the factors that make okada desirable exist. City authorities need to have a comprehensive conceptualisation of the problem from a systems perspective, which is evidenced-based and multi-sectoral.

Second, informal workers in African cities are becoming increasingly aware of their rights to the city and are demanding those rights through legal means. By advocating for their rights to the city, okadas riders challenge discriminatory urban planning frameworks that are intended to push them to the city margins. The legal battle between okada riders and the Lagos State government reinforces the need to encourage evidence-based participatory urban planning that considers the socioeconomic conditions of locals. Okada riders are not opposed to urban strategies intended to improve the city space. However, including okada riders in the decision-making processes of strategies that affect their livelihoods will improve acceptability and compliance and increase the chances of success in the implementation of those strategies. A relational understanding of African cities as both socially and physically constructed spaces must be incorporated by urban planners and policymaking in their growth strategies (Rakodi, 2006).

Given Lagos’s lead in terms of legalizing and regularizing okada operations, it is not uncommon to assume that policymakers in Accra would be tempted to consider a similar approach. However, such transfer of ideas is likely to prove futile if the structural public transport issues are not addressed, and strategies of urban growth and development are developed through evidenced-based policy making that takes into account the lived realities of the urban poor.

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