**Street Level Bureaucrats, Policy Entrepreneurship, and the Challenge of Enforcing Bans on Informal Economy Activities[[1]](#footnote-1)**

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**This paper is, as you will see, in the very early stages of development.**

**Please do not quote or cite it yet.**

As explained further below, analysis of what has turned out to be a monumentally vast set of field data has delayed the start of the analysis, and thus the beginning of drafting of this paper. As a result, there are chunks of the literature review that I have not yet written (text in red offers a guide as to what is to be done), in order to leave as much of the little time I have had to focus on creating the initial narrative you see below. I have, however, written a moderately extensive Introduction, and I have focused on some key sections of the Literature Review, in order to try to identify some of the key ideas we are offering that might, possibly, represent novelty in the SLB literature, as well as an interesting case study in and of itself. The extension of this through to the notion of SLBs acting as policy entrepreneurs is, however, still at a very early stage. That said, I would be extremely interested to see what you make of the idea that the SLBs we are analysing in this paper are acting as policy entrepreneurs, bearing in mind the specific contribution I am suggesting, around the role of SLBs as (‘negative’) enforcers of policy being distinct from SLBs as (‘positive’) implementers of policy. How might this distinction, therefore, affect how we conceive of street-level policy entrepreneurship? I shall try to ponder this between submitting this paper for your consideration and the workshop itself, but I look forward to you all workshopping the life out of this research and these nascent ideas!

As part of this research project, we have to date interviewed officials in multiple key government Ministries, as well as representatives of informal economy worker organisations. The latter meetings also included individuals working as street hawkers and okada riders. These interviews took place in September 2021. This was followed up in January-February 2022 by a detailed survey, that yielded over 1700 responses. Then, in July 2022, a workshop was held where representatives of the government Ministries, the police, and the informal economy workers organisations, engaged in a frank, but nonetheless civil, sharing of views on the challenges ahead. A further meeting is planned for Spring 2023, where our ongoing research and analysis will be drawn on as we continue to seek co-produced policy reform that addresses everyone’s major concerns. Hence this conference and the discussion over this paper are about more than just getting this paper to the point where it can be submitted to an academic journal! In what follows, we therefore focus most attention on the initial findings from our vast dataset. At this stage, most information is taken from the interviews and workshop, with only some of the headline quantitative data from the survey having been explored.

***Abstract (original submission)***

Street Level Bureaucrats (SLBs), public officials who deliver policies in citizen-facing roles, implement policy, once it is agreed elsewhere (typically they have not been part of this process). They may, however, have some flexibility over how exactly that policy is implemented (enforcement or compliance might be more pertinent in some contexts)– or, in some cases, the more appropriate word is ‘enforced’. One issue is the extent to which SLBs act as policy entrepreneurs. Their implementation experiences may reveal problems with policy design that, with adjustment, could improve implementation. Most studies analyse SLBs’ ability to act as a ‘traditional’ policy entrepreneur, using their knowledge, contacts, etc, to press policymakers to deliver policy change. In terms of the policy process, they act as informal policy evaluators, seeking to trigger a new round of policy. Other studies suggest that even by making adjustments to how they implement policy, they act as policy entrepreneurs.

Part of this literature reflects on the importance of context, especially institutional, in shaping or restraining SLB actions. In this research, we undertake an in-depth analysis of two informal economy policies enacted in Lagos, Nigeria – the banning of street hawking, and the restriction then banning of okada (motorcycle taxis). We analyse the factors influencing the varying approaches to policy implementation and enforcement with reference to emerging results from a project that has collected data through 2021 and 2022. Six focus-group interviews were conducted with stakeholders, notably from government ministries, informal economy workers and their representatives; an in-depth citizen-survey yielding 1736 responses; and a workshop with policymakers, enforcement officers, and workers. Analysis is ongoing, but initial reflections suggest that institutional and economic contexts are important in the implementation and enforcement of these two bans, with SLBs willingness and ability to act as policy entrepreneurs evident, but different in the two cases.

**Introduction**

This paper is one of several being developed from the British Academy-funded project “*Inclusive Poverty Reduction: In search of a policy framework to support operating in the informal economy in Lagos, Nigeria*”. The project takes as its starting point the actions of the Lagos State Government over a period of at least a decade, to restrict and even ban highly visible public and mobile informal economic activities, specifically street hawking and okada (motorcycle taxis). In both cases, the providers and purchasers of goods and services have been criminalised. Our research project is particularly timely in that through 2022, and after the research started, the restrictions on okada riders were first turned into outright bans in a few Local Government Areas (LGAs), followed soon after by an extension to ten out of the 20 LGAs across Lagos State. In practical terms, we have also been holding meetings with stakeholders, with more to come in 2023, as we seek to promote dialogue and options for co-created policy options that are less stringent than the bans currently in place.

There are several issues within this project that we are seeking to explore in more detail. One of these, and the theme of this paper, is to look at the enforcement agencies through the lens of Street-Level Bureaucrats (SLBs). We also seek to explore, whether there is any evidence that SLBs in this research are engaging in acts that can be understood as policy entrepreneurship. These two literatures, separately, date back to at least the early-mid 1980s, but the research that seeks to draw the two together is much more recent. Whilst we can readily comprehend enforcement officers as SLBs, there is no *a priori* basis for seeing them also as policy entrepreneurs. This research therefore draws upon both deductive and inductive reasoning to explore these empirical issues.

In terms of this paper as it currently stands, it is also important to note that whilst our research explores the bans on hawking and on okada, this paper focuses primarily on the latter. The reason for this is purely practical. Whilst the transcripts of all of the interviews and a more recent stakeholder workshop have been subject to an initial analysis, the coding of the open questions on our survey instrument is taking a lot longer than anticipated, as a result of our student field-workers’ efforts yielding over 1700 returns. Also, as it turns out, the data are so rich that any attempt to address both in one go would create an absolute behemoth of a paper.

There are important similarities between the two cases. First, both informal activities are highly visible and mobile. In the context of the governance of Lagos, this is most significant. The ambitions that the authorities have for the city and wider metropolis as a ‘modern city’[[2]](#footnote-2) are built on a neoliberal agenda that seeks to control access to urban space and to cleanse the city, thus to attract foreign investment. This creates a tension with the ‘everyday’ and citizens’ lived experiences (see, *inter alia*, Igudia *et al*., 2022, and the studies cited therein, for a detailed discussion). There is, however, a problem here, referred to by Olajide and Lawanson (2022) as the ‘urban paradox’. The cleansing of the streets creates poverty that pushes more people into informal economic activity – including the activities that they wish to cleanse from the city. Moreover, observations during fieldwork suggest a circular informal economy, whereby okada riders get their food and drink from street hawkers whilst on-the-go, as well as getting their bikes maintained by mechanics in informal workshops (Agbiboa, 2020: 176, estimated that, at that time, there were 200,000 okada riders in Lagos, supporting an additional 300,000 jobs). We also have anecdotal evidence, collected during fieldwork, of hawkers using okada to move around.

Second, and to a degree linked with the first issue, with both sets of bans the argument has been used by the authorities that hawking and okada riding are used as a cover for criminality. Thus the safety and security of citizens has formed an important means of framing the bans, to be in the interests of citizens. A further argument is used with okada, given the number of accidents, injuries and even deaths that are associated with motorcycles, relates to the safety of citizens in a physical sense. The exact numbers are disputed, as is the question of whether the okada riders cause, or are victims of, accidents. That said, the main orthopaedic hospital did at one time open a ward specifically for victims of incidents involving okada.

A third common factor, albeit somewhat qualified, is that these activities continue. People continue to buy from hawkers for a range of reasons (Igudia *et al*., 2022) and, given the continued stresses of moving around one of the most crowded road networks of any city worldwide, people still use okada as a means of getting around (the average Lagosian is estimated to spend up to 30 hours a week in traffic, hence the attraction of motorcycles that can weave through traffic). There are important qualifications to the okada case, however, that are a crucial part of the later analysis, to which we return below.

It is this continued presence of banned activities, both their supply and demand, that has motivated this entire project. In this paper, our focus is on questions of enforcement, or the lack thereof. This, in turn, brings us to the literature on SLBs; and the literature that seeks to explore the possible links between the actions of SLBs and the act of policy entrepreneurship. In so doing, however, we seek to draw a distinction between much of the extant literature and the focus of the current research. Specifically, much of the attention paid to SLBs focuses on their delivery of public services to citizens (often described in such studies as clients or customers). That is, the focus is on *implementation*, which can be viewed as a *positive* act towards citizens.

In the present case, the implementation focus is on *enforcement* of policies, an act that can be seen as *negative* in terms of citizens’ everyday living (given the continued patronage of hawkers and okada riders) and the impact of which on citizens is, therefore, ambivalent at best. As a preliminary analysis of some of our survey data suggests, the above arguments for the bans notwithstanding, there remains a lot of support for the hawkers and okada riders, and a lot of support (expressed by over 90% of respondents) for the view that the ban is an inappropriate policy to address any concerns there might be as they affect citizens.

In what follows, we start with a limited [*at this stage*] and still-very-preliminary review of relevant literatures. We seek to provide an initial reflection on the extant SLB literature and how it identifies SLB actions that can be deemed positive or negative, in the sense of the terms introduced above. We then present an initial exploration of our fieldwork data, from the survey, interviews and stakeholder workshop, triangulated with contemporary media reporting of, in particular, the progressive banning of okada through 2022. From this, we offer initial thoughts on the okada ban as one of our empirical cases. We also reflect on the extent to which this research might offer insights into a novel conceptualisation of the activities of SLBs – where they are tasked with what might be conceptualised as negative, rather than positive, policy enactment; enforcement rather than implementation.

Third, we seek evidence of any actions that might be considered as policy entrepreneurship. In this, we draw a distinction between Kingdonian policy entrepreneurship, where SLBs draw on their experiences, expertise and connections to influence policy design or redesign; and the interpretation of the concept as presented in parts of the SLB literature, where the term policy entrepreneurship is used to describe a situation where the SLBs deviate from the original intention of the policy in some way in implementing policy – Lipsky’s (1980) ‘policy as written’ versus ‘policy as performed’. From this, we speculate as to whether SLBs act only as policy entrepreneurs when their roles can be seen as positive implementation, or whether roles characterised by negative enforcement enables, or offers scope for, SLBs to promote policy change. We offer this distinction between positive implementation and negative enforcement as an important new contribution to the linked literatures in how we frame and analyse SLBs and policy entrepreneurship.

**Literature Review**

Street level bureaucrats (SLBs) are public officials who work at the interface of policy and public, whose job it is to implement policy. There have long been known to be gaps between ‘policy as designed’ and ‘policy as implemented’ (Pressman and Wildavsky, 1973); or between ‘policy as written’ and ‘policy as performed’ (Lipsky, 2010 xvii). It is in the latter case that one cause of this gap has been linked explicitly with SLBs. From this we get a crucial prerequisite for SLBs to undertake their role: they need to have ‘substantial discretion in the execution of their work’ (Lipsky, 2010: 3). In exercising this discretion, we see variation within policy implementation, as well as deviation from ‘policy as written’, rather than some sort of homogenised implementation taken by all SLBs, regardless of context.

In seeking to understand the motives for varying implementation by SLBs, there are different conceptualisations in the literature. We review here just a few such means of framing the uses of discretion. First, personal, organisational and culture (or environmental) factors can influence SLB behaviour, a framing exemplified by Cohen (2018). Personal drivers embody, for example, an individual’s ‘values, beliefs, and even economic preferences’ (Cohen, 2018: 177), whilst organisational factors include ‘the availability of organizational resources or the organizational incentives offered to the SLBs’ (*ibid*). Culture, Cohen argues, is harder to define, but it reflects individuals’ decision-making in the context of local norms, customs, etc. Thus we can view culture as having a mediating effect on personal and organisational drivers of SLB behaviour.

A different, but complementary, framework is provided by Tummers *et al*. (2009). These authors draw on Marxist readings of work alienation to develop a framework for analysing policy alienation. In so doing, they provide important insights that can also deepen our understanding of the three factors driving SLB opportunism in discretionary policy implementation identified by Cohen (2018). Tummers *et al*. (2009) thus identify policy powerlessness, policy meaninglessness, and rule conflicts, with each of the first two sub-divided into three component concepts. We consider each in turn using the term SLB, noting that Tummers *et al*. do not use this term. They refer instead to ‘professionals’ – itself an important part of the definition and understanding of who SLBs are.

Policy powerlessness relates to the extent to which SLBs have influence over designing the policy they then have to implement. But this is divided into the strategic level (where SLBs have no say over drafting a new policy), the tactical level (where SLBs have no say over decisions regarding translating policy goals into ‘specific performance requirements’ (Tummers *et al*., 2009: 688), including resource allocation; and the operational level, which describes the extent to which SLBs have discretion to vary how a policy is implemented.

Policy meaninglessness, in turn, relates to the extent to which an SLB perceives a connection between the specific policy and the ultimate end goal, or ‘greater purpose’ (Tummers *et al*., 2009: 689). This is subdivided using the same categorisation as policy powerlessness. The strategic level sees SLBs questioning whether the policy actually addresses the problem at hand; the tactical concern highlights SLBs doubts about whether specified output goals align with societal goals; whilst the operational level focuses on whether they are making a difference.

Tummers *et al*. translate the work-related notion of social isolation as role conflicts. SLBs work for a public sector employer, but they also engage directly with clients. For SLBs ‘when implementing a policy, it is vital that professionals not only identify with their organization, but also with the clients they treat.’ (Tummers *et al*., 2009: 690). Within this, SLBs will reflect on policy content, managerial demands over implementation, the demands from being part of a profession, and the demands, needs and expectations of the clients. Role conflicts arise when these do not align. *In extremis*, they may even conflict with one another.

These characterisations of SLB behaviour also overlap the three categories identified by Tummers *et al*. (2012), specifically policy content, organisational context, and personality characteristics, also referred to as the *what*, the *where* and the *who* of policy implementation. In their empirical investigation, they found all three factors to be statistically significant (drawing on data from a large-N survey of Dutch mental health professionals), but with personality factors being the most significant. These also have notable overlaps, albeit not congruency, with Cohen’s personal, organisational, and cultural factors. Reflecting on personal factors, highlighted by both Tummers *et al*. (2012) and Cohen (2018), Winter *et al*. (2022) explore not only what SLBs (in their study, school teachers) think of a given policy reform, but also how they perceive their own ability to implement the new policy – and find both to be statistically significant.

Studies have also found specific evidence for SLB actions being influenced profoundly by resources, in particular resource scarcity. This can include time, money, or material resources needed to implement a given policy. This is discussed in different contexts by, *inter alia*, Durose (2007) and Brodkin (2011, 2012), with Mohammed (2022) reporting the results of a recent study where SLBs had to decide which children to feed as a part of an under-resourced school-feeding programme. Irrespective of other factors, therefore, if limited resources drive *why* SLBs deviate from the policy as written, the foregoing helps us to understand the competing forces that will ultimately shape *how* they do so.

[*to be added at a later date – the incorporation of some examples from the empirical SLB literature that illustrate the foregoing conceptual and framing factors influencing SLBs discretionary behaviours*]

Across the SLB literature, whilst the example of police officers deciding on-the-spot whether or not to impose a fine on a driver is regularly-cited example of SLBs exercising discretion, broadly speaking the issue of police officers as SLBs has received relatively little attention, especially when compared with studies analysing the decision-making strategies and impacts of those who deliver health, social, and education services. As a result, there is little prior research to draw on in exploring the potential significance of SLBs as implementers of positive policy outcomes, versus enforcers of (potentially) negative policy outcomes. As a result, this study offers an important contribution to the prevailing literature of SLBs.

[*To be explored further, to ensure there have been no obvious or major omissions*]

Before we turn our attention to the empirical evidence emerging from the current research, we offer a brief initial exploration of the limited literature that analyses the specific issue of transportation in Lagos. This research offers important insights into, first, the enforcement of traffic-related policies in Lagos; and, second, the roles played by multiple stakeholders – formal and informal – in this process. Whilst this literature does not speak explicitly of SLBs, it offers important background information for the analysis, below.

Most of Agbiboa’s research focuses primarily on minibus-taxis (*danfo*) and, to a lesser extent, tricycles (*keke*), but okada riders are the focus of Agbiboa (2018b, 2020a), and they receive attention in other studies (*inter alia*, Agbiboa 2018a, 2019, 2020b). Article titles that reference, for example, ‘conflict’, ‘urban insecurity’ and ‘electoral violence’ speak of a murky world and hint at collaboration between different forces that subject transport workers to incredibly difficult working conditions. Thus, for example, Agbiboa (2018b: 2) explores how okada riders exercise agency whilst being subjected to the ‘violent and venal’ implementation of a 2012 traffic law. The earlier point about the current policy measures against okada riders is particularly telling in this context, given the framing of the okada ban as a fight against criminality (critiqued in Agbiboa, 2022: 130, as the scapegoating of ‘could-be terrorists’, although in Agbiboa 2020b: 175, this same author acknowledges the links between informal mobility and criminality). In short, who is the criminal is not at all clear. Underpinning much of this is corruption, a feature of Nigerian life that is ‘both everywhere and nowhere’ (Agbiboa 2022: 131), but which is a taboo subject – especially amongst those working in the transport sector (*ibid*).

Another important dimension in the prevailing literature is the [*downloaded but not yet reviewed*] set of studies that have sought to analyse the impact of the progressive tightening of okada restrictions on accidents, hospitalisations and deaths. At the heart of the okada debate is a powerful tension. On the one hand, the authorities argue that the ban promotes citizen’s safety (in this instance, avoidance of accidents, rather than avoidance of criminality). On the other, citizens have come to rely on okada as a vital means of mobility in Lagos – in terms of getting through traffic, in terms of first-mile and last-mile journeys, in terms of getting to the airport on time, etc. In other words, okada are a risk to riders’ and passengers’ health but are essential for Lagosians to move around and for Lagos to function.

How important to Lagos are okada and other informal modes of transport, has therefore itself been a topic for research. Notwithstanding this discussion around the challenges faced by those working, as okada riders and otherwise, in the informal transport (‘paratransit’: Agbiboa: 2020b) sector in Lagos, it remains fundamental to how this city, and cities across the Global South, continue to function. It is particularly important to how the poor in these cities are able to move around them. As one of the participants in our workshop noted, ‘yes it is lawless, but it fulfils a need in micro transportation, that is, transportation in micro areas and economic empowerment for those who have been economically disenfranchised’. With okada in Lagos, there is the added feature of navigating the almost incomprehensible traffic jams. One interviewee gave the example of a journey within Ikeja LGA (home to the seat of government) that could take 90 minutes by car, but 5 minutes by okada. Ultimately:

Paratransit services in urban Africa are, above all, a way of life*, an organizing urban logic that cannot simply be banned*. At issue here is not just the informal sector, but the entire transport culture of African cities. As a vital element of mass mobility, paratransit services are embedded in social networks that are integral to the informal infrastructure of African cities (Agbiboa 2020b: 181; emphasis added).

In the context of what follows, the limited research on okada riders, reflected also in the research on other modes of informal mobility services, suggests an economic activity that is subject to variable policymaking and policy enforcement. Further, enforcement is influenced by a number of distinct factors, including proximity to elections and the perceived value of okada riders’ votes; and the actual pervasiveness of corruption if not its explicit acknowledgement.

**The Banning of Okada Riders**

[*This section needs to be introduced by an account of the timeline, over a decade or more, of the precise measures taken – the rising trend of restrictions imposed – around which enforcement is seen to fluctuate, as discussed further below*]

At our workshop, a representative of LASTMA, the Lagos State Transport Management Authority, was clear that the authorities were ‘forced’ to ban okada riders, given their failure to follow the law. That said, they also suggested that ‘I think one of the reason is still thriving is because people don’t have so much trust in government and government pronouncements and it has to do with the kind of lifestyle we live, we do things with impunity’. There are two crucial points here that are plausibly closely related to each other: that there is little trust in the police and the authorities; and that there is disregard for laws and rules. As discussed further below, not only did our survey participants identify a drop-off in okada ban enforcement over time, the reasons they identified for this included the factors identified here (amongst several others). This also presents another fundamental contradiction at the heart of the policy challenges. We have already noted above the ‘urban paradox’. Here, we see another paradox, between a refusal to follow the law, and a lack of trust in the authorities. We elaborate on this point below, where we present evidence around the inconsistent and sometimes violent enforcement of the okada ban, that can explain the lack of trust that results in the bans being ignored.

**The Enforcement of Okada Bans – an example of street level bureaucracy?**

***Discretion in Implementation/Enforcement***

We start by considering the question of discretion and what that means in practice. Only in two interviews was the notion of discretion mentioned explicitly, by an official from a government Ministry, and the okada riders’ representative organisation; although, as we shall see, its presence was noted in different ways by several participants. The Ministry official argued that ‘I will expect that every officer of the state, in his own capacity, who is exercising discretion should not do so at the expense of the common goal. You can exercise discretion, once it will not hurt your target, your goal.’ This observation, in and of itself, is consistent with the SLB literature on exercising discretion, insofar as delivering on the ultimate policy goal remains the prime objective of the SLBs actions.

That said, they went on to tell a story that illustrated the dark side of SLB discretion in Lagos. The example did not concern okada riders, but was used to illustrate a wider point highlighted by a number of participants and in the extant literature: that of corruption and the distortion of enforcement principles by officers. Long story short…the police, on one of their ‘general raiding’ trips, arrested some young men sat eating outside a petrol station, early one evening, from where they were taken to the police headquarters. The government official went to see one of the arrested men, the son of a friend, where the police lied about what he had been doing. The Ministry official was told that he could bail the person for 50,000 naira[[3]](#footnote-3) (even though he had done nothing wrong). In the end, having spoken with more senior officers, one of them spoke with the arresting officers and gave them a dressing down and let the young man go. But the Ministry official did wonder whether the police had a target of bribes they had to make.

The other explicit reference to discretion came in the context of enforcing the (pre-2022) okada ban. This took the general form of a ban on okada riders using certain roads in Lagos – principally the main highways, where accidents were particularly prevalent. Okada riders were, however, permitted to use the inner roads (what some interviewees referred to as the “inner inner”). That said, several interviewees confirmed that police would approach and arrest okada riders within the “inner inner”, chasing them through these streets where the law permitted them to be. It was even suggested that this behaviour led to okada riders staying away from such places, including known okada parks, and staying out on the highways where they were banned but where, ironically, they felt safer from police harassment.

At the same time, however, on occasion police officers did not stop okada riders from riding in prohibited areas, allowing the okada to operate ‘at their own mercy’. Further, the okada riders’ representatives recognised that sometimes the officers did exercise discretion in enforcement as a result of recognising the hard times many face, and thus the question of what these young men might do if their earning opportunities with okada are taken away. This itself highlights another paradox in the debate around the okada ban. One argument offered in defence of the ban is the suggestion that it is abused by criminals, whereas some are concerned that an inability to earn money as okada riders might lead these young men into criminality.

Another issue highlighted was the confiscation of okada motorcycles, followed by the request for a bribe to be paid for it to be returned. Confiscated bikes should be scrapped, and immediately after the introduction of each new law a lot has been made of bikes being crushed, with photographs circulating in the media, but this was not a uniform or sustained measure. Citizens participating in our research also recognised the issue of bribery. As well as raising it in the workshop, the initial survey results support this, along with a clear perception of declining enforcement over time. As part of the survey, as asked respondents to judge the level of enforcement of the okada ban initially, and ‘now’ (early 2022), on a scale of 1-10. In judging enforcement when the measures were first introduced, 79.1% rated it as 6-10, 13.1% rated it as 1-5 (the rest were ‘don’t know’). Enforcement ‘now’ was rated, respectively, as 14.2%/65.9%, with 16% don’t knows – a dramatic drop-off in perceptions around the rigour of enforcement. When asked why citizens thought that enforcement had dropped off many answers were given, the most common answer was that the law was inconsistent and the government not serious about enforcement. In addition, some thought the police took pity on riders just trying to earn some money, while others spoke explicitly about police corruption and bribery.

Another popular answer, that points not to discretion by SLBs but by those above them, was politics and the imminence of the 2023 election. This is significant given the historical evidence that suggests enforcement tends to follow what one might call a “political enforcement cycle”, similar to the literature on the political business cycle that sees public expenditures rise before elections, fall after. In this case, enforcement falls before elections, rising after. To quote the Chairman of the Unity Party of Nigeria, speaking in 2014 (and quoted in Agbiboa 2018b: 11):

Lagos citizens must remember that this [APC (All Progressives Congress)] party used and dumped okada riders after harnessing their support and services in the elections of 1999, 2003, 2007 and 2011. During campaigns for those polls, APC politicians even donated to okada riders branded helmets, motorcycles and reflective jackets. But no sooner did the Action Congress of Nigeria [now a part of the APC] come into power than they turned around to bite the finger that fed them, by banning okada all over Lagos.

One of our interviewees also confirmed this happened with the 2015 election. They observed wryly that motorcycles were being handed out for ‘poverty alleviation’. And sure enough, soon after the election the police started arresting them again: ‘so the gra gra [violent hustling] started’. As the interviewees went on, politicians ‘are not serious about anything…they say anything to get our votes, I don’t think these guys care, they just don’t care’. Further, before Babajide Sanwo-Olu was elected governor of Lagos State, we were told he said ‘okada hold me by my word, if I eventually become the Governor of Lagos, you people will have the freedom to operate’. Soon after, however, the decision was taken to enforce the 2012 law rigorously and we were told about police even entering private properties late at night to confiscate motorcycles.

We also note in passing at this point that the political calculus would appear to have changed in 2022, with the outright banning of okada in six, then ten, LGAs in Lagos coming less than a year *before* the next election.

A different understanding of discretion can be found in the contributions made by police officers to the workshop held in July 2023. A general point they made was that they face a lot of opposition and aggression from citizens when trying to enforce the law legitimately. They spoke of the ease with which motorcycles and guns can be bought, and the threat this brings to citizens. One spokesperson highlighted the need to citizens to think more deeply about what patronage of okada means for the city (we return to demand-side drivers of the okada business below). And again, despite the narrow focus of our workshop, participants put the challenges into their wider context. In this context, the presence of guns represents a direct and mortal threat to police officers – a threat made worse by the lack of respect for the authorities, and noted above and returned to below.

On a more banal level, the spokesperson argued that even when the police intervene in an appropriate manner to address an illegal act, citizens will quickly join in, defending the criminal and attacking the police: a ‘few days ago, someone was stopped over…usage of plate numbers, they just stopped the young man trying to tell him…fix in your normal plate just for identification, I don’t think the policemen did any wrong, the next minute the wife is holding a police officer, slapping the police officer’. He then asked rhetorically ‘are these things not really painful to members of the police?’ He – but others as well – made the point that observing the law, being enforcers of the law, ‘is a job for every one of us not just the law enforcers only’.

Another important point this person made concerned the practicality of apprehending someone on a motorcycle – especially when they have a passenger on board. His asking another rhetorical question suggested a deep frustration at the challenges the police face: ‘how do you expect us to pick up someone on a bike? When you see policemen trying to stop this bike people, members of the public stand against them at the slightest instance’. A serving police officer noted that okada riders can charge off when they see police officers, even when they have passengers on board. For him, enforcement then becomes a real challenge: he will be hesitant ‘because danger to me that is arresting and to the person I want to arrest’. Therefore ‘because of them most especially sense of humanity we lower our force we want to apply because of the person he or she had carried’.

This officer also highlighted the criminal elements amongst the okada riders, but also spoke about the issue of limited resources available in enforcement, which speaks directly to the wider SLB literature: ‘the government needs to come in, providing tools, equipment, you cannot just imagine like let me say four or five police office want to arrest a moving okada on the expressway.’ He went on to highlight the lack of appropriate (technological) systems such as number plate tracking systems – although he also questioned whether the number plates (even if they were present and visible) were correct.

Frustrations were also revealed by some when questioning the ‘lack of political will to implement and enforce’, as one government ministry official put it. As he observed, ‘the laws are there, where we are [is] not for want of laws but the spirit and intent to implement without sentiments’. A LASTMA officer at the workshop noted that he can do his job correctly in apprehending someone violating a traffic law, but then ‘the person will place a call through above you’, to someone they know who can overturn the initial arrest. This led to widespread agreement (recall, amongst public officials) that this represents a systemic failing around enforcement and the will to enforce.

That said, on the other side of this same coin there is the attitude of the authorities to okada riders as a source of criminality. Some of the issues have been noted already. From the perspective of the okada riders’ representatives and the issue of okada riders using the bikes for criminality, a significant legal point was made when the okada union took the government to court over the 2012 Traffic Law. We were told in interview that the government used the criminality argument against the union position, described as ‘the same old story from government’. The judge, however, made it clear that it was the duty of the police to identify and apprehend the criminals, ‘not to classify everybody on a bike as a criminal’. It is also noteworthy that in the interview with the okada leaders, one outcome they reported from the aforementioned case was that the police were told to tone down the way in which they arrested okada riders. Specifically, it was reported to us that Lagos State Governor Babatunde Fashola warned the police commissioner: ‘if you want to arrest okada, you should not use gun and you should not use stick. I don’t want to hear that they shoot okada. I don’t want to hear that they kill okada’. As a footnote to this, in this same interview, the participants said that they had heard just that morning of a riot at the expressway, where a policeman had (allegedly) killed an okada rider, ‘in the course of enforcing the law’.

Finally in this section we consider one of the most controversial aspects insofar as the SLB literature is concerned – the presence of uniformed officers (both police and military) riding okada – including on the expressways which have been the target of specific bans on safety grounds. One participant in the workshop put it bluntly: ‘is that the main reason why they (the Lagos State government) discouraged citizens from commercial okada riding…to increase the income of police officers who have taken over?’ In response, a serving police officer argued that ‘the act of police officers riding bikes commercially has to do with enforcement when it comes to dealing with humans’. Anecdotally, however, this situation is not being dealt with, insofar as okada riders who also work for the enforcement agencies are not being subjected to any form of enforcement. The spokesperson for the Lagos state police emphasised the criminal nature of this activity, and that citizens should ‘report any such case they come in contact with, with the promise of swift action to curb such unprofessional conduct by officers to check-mate them’. It is hard to imagine this happening, however, when citizens have such little trust in the police.

As a footnote to this point and this section, on 12 December 2022, several months after the introduction of the outright ban on okada riders across ten of Lagos’s LGAs, the website The Cable published an investigative article under the heading ‘INVESTIGATION: How security operatives violate okada ban, fleece commuters in Lagos’.[[4]](#footnote-4) This article (and a short accompanying YouTube video), shows police and military men operating okada, with impunity, around Lagos. The investigation found that other officers did not even attempt to stop these riders – and the riders knew they were untouchable. A police spokesperson is reported in the article as saying ‘You mean police officers using okada for commercial purposes? That is new to me. I am yet to get any information on that. I am hearing that from you for the first time’. Yet as is made clear from our fieldwork, this practice is widely known: it might have got worse in recent months, but it has been going on for years. What does seem to have changed, however, is that with fewer okada on the road, these military personal have, according to the article, been charging inflated prices for journeys, abusing both the ban and citizens wishing or needing to take okada.

**Constraints on Enforcement**

Following the extant literature on SLB discretion, the notion of constraints (such as time, financial, and practical) have been identified in multiple studies as underpinning the exercise of discretion, deemed necessary to achieve at least partial delivery. How, though, can these ideas be related to enforcement in general, and the Lagos okada case in particular?

One problem is simply the sheer scale of the problem. One interviewee suggested that, prior to the outright bans initiated in the second half of 2022, there were in the order of perhaps half a million okada riders in Lagos metropolis, helping to serve a total population estimated at over 20 million. Underpinning this are several well-known drivers, all recognised by our research participants. These include, on the supply side, poverty and a lack of jobs – even for highly qualified university graduates; the money that can be made relative to alternatives, even allowing for the daily fees that must be paid where okada are allowed; and an ongoing influx of migrants from other parts of Nigeria, especially the north. A spokesperson for the police also highlighted the number of people coming from the north, driven by the belief that they can earn money quickly, and compounded by the ease with which they can buy motorcycles and start picking up passengers. There is, however, an underlying context to these comments about migrants, with at least one of our interviewees referring to them as foreigners, even though they are still Nigerian. That said, with some being illiterate and others speaking neither English nor Yoruba, the ability of many to work is compromised as if they were non-Nigerian (non-Nigerians were also identified as coming to Lagos, along with many northern Nigerians, but none were specifically linked with working as okada riders).

On the demand side, the two principal drivers are the general state of traffic in Lagos; and the lack of affordable alternatives. This latter factor is extremely important. The authorities repeatedly point to the growing provision of Bus Rapid Transit services, and recently the provision of more ferries to offset the okada ban. The problem is that these are a lot more expensive than the informal ‘paratransit’ alternatives, to the point that they are unaffordable for many citizens. They are also unable to service the first-mile and last-mile demands of citizens. Whilst alternatives have been provided here, the issue of cost remains, as does the fact (highlighted by interviewees) that in these areas, the passageways may simply be too narrow to get vehicles other than motorcycles down them.

In short, no amount of legislation around okada usage can change these basic facts of Lagosians’ everyday lives, and efforts at enforcement will be met by active resistance, by the ‘problem’ springing up again, or by further damage caused to citizens and the general life of Lagos, as either mobility is hindered or people’s limited disposable income is reduced by the provision of alternative, but more expensive, mobility options. It is nonetheless interesting to note that a number of participants in the ‘government’ break-out group discussion during our workshop spoke about people’s laziness and lack of willingness to walk. This was aimed, implicitly, at the question of first-mile and last-mile journeys – although as the comment was made in this specific break-out group there was nobody there to challenge this from the viewpoint of those who seek okada for these journeys. In another interview, however, with FIWON (the Federation of Informal Workers of Nigeria), this view was described as ‘middle-class nonsense, people who are oblivious to the realities’.

Another aspect on enforcement comes from the perspective of the peak bodies representing okada riders and other informal economy worker groups, but was a view expressed also by several participants in the workshop. Specifically, there is a widespread belief that the laws have been introduced (‘hatched or planned’ as one interviewee put it), without consultation with the riders and their representative organisations. This has led to the measures being ignored by many riders. Referring specifically to the 2012 Lagos Traffic Law (see also, *inter alia*, Agbiboa 2018b), one of the okada riders’ representatives declared this to be ‘one of the most disobeyed law ever by the Lagos state house of Assembly since the introduction of this democracy in 1999…Highly controversial’. He went on to point out that whilst their organisation attended the public hearing, where a 23-page proposal was presented. When the bill was signed into law, in the meantime it had been expanded to 78 pages. The law included the identification of several hundred roads that okada were not allowed to use, but this law included ‘roads that are not even state roads’. This raised the question of the legitimacy of the State legislature ruling on roads that are overseen by the federal authorities and led to the court case noted earlier.

Within the okada organisation, it was also clear that, as imperfect as it was, the law had to be obeyed. Some riders felt that where the law addressed roads over which the authorities did not have jurisdiction they could still ride, but this just created tensions even within the organisation. As one leader expressed it to the riders: ‘Even as you’re fighting for your rights, fight within the ambit of the law, don’t go and begin to destroy government property because you want to air your grievances. The law sef [an expression of irritation or annoyance] will not be on your side again. The people who are sympathising with you, they will not sympathise with you again’. They also made it clear that if an okada rider is caught by the police on the expressway, for example, where they should not be, the union will not come to help.

We were also told in interview that sometimes the police arrested okada riders where they were legitimately allowed to be, but claimed that they had been caught on the expressway. On the other hand, we were given evidence that the okada taskforce had brought in riders and their motorcycles, only for the Divisional Police Officer (DPO) to overturn their arrest and require the motorcycle to be returned, because the arrest had been made in the ‘inner inner’ and the union had supported the rider. The taskforce officers ‘have come to realise that. It doesn’t pay them again. That don’t have option except to comply with the directive of the DPO. So, they don’t come inside to disturb them like before again’.

To conclude this analysis, we return to the point made by many participants in our research, that a meaningful and non-discriminatory solution to the challenges faced by Lagosians is needed. Otherwise, to report the dramatic image expressed by one representative, ‘things will deteriorate in a chaotic and disorganised manner with ***jack boot enforcement*** of policies’.

**Discussion and Initial Concluding Ideas**

In this research, we study the enforcement of a decade of restrictions on the operation of taxi-motorcycles, okada, in Lagos, Nigeria. In so doing we are suggesting, first, that a distinction can be drawn between ‘positive’ policy implementation and ‘negative’ policy enforcement. Second, and deriving directly from this, we identify ‘discretion’ as also having positive and negative connotations. Positive discretion comes in the form of an approach to enforcement that reflects some of the economic hardships experienced by many of those whose work as okada riders to survive in Lagos’s informal economy. This is discretion that is seen as being consistent with the existing literature on SLB decision-making.

With the shift in focus from implementation to enforcement, however, we also see significant evidence of examples of negative discretion. This is seen in indiscriminate arrests regardless of whether or not the details of the law have been broken (such as riders arrested where there are legally entitled to be), abuse of powers to confiscate motorcycles, bribes being demanded for release of the riders and/or their motorcycles, even violence (up to and including death of riders). Meanwhile, there is also evidence that the longstanding practice of those who should be enforcing the ban themselves flouting it directly by working as okada riders, is not only present but has got worse recently. They are even exploiting the situation by charging higher fares, given the reduced number of okada on the roads following the outright bans of June and September 2022.

This is a profoundly important point. One fundamental question about policy implementation regards monitoring to ensure that a policy is being implemented in such a way that the goals of policy are being delivered. Given the existing literature on SLBs, these individuals can deliver, say, healthcare treatments even if they do so in ways that are not prescribed (no pun intended) by the policy. With the focus turned on enforcement, especially bans of specified activities, the question should be simply – are okada riders still plying their trade? The irony here is that they are, but whilst recent anecdotal evidence on the ground suggests that the number of okada has fallen, a more detailed examination confirms that some of these have been replaced by okada ridden precisely by those who should be enforcing the ban. (What we do not have to hand is very up to date information about okada-related accidents.)

One FIWON official interviewed made specific reference to ILO (2015) and the commitment contained therein, in Section III(11)O, over the regulated access to public spaces. They made a point repeated by many participants, including several representatives of informal economy workers, that regulation was needed: ‘there must be some regulatory framework but we insist that that framework must be inclusive and democratic. Those are the elements that have consistently been missing’. As noted above, even when stakeholders were present in meetings, the subsequent law was very different to the bill presented at the earlier stakeholder meetings. In implementation, moreover, there is clear evidence that ‘enforcement’ has gone well beyond the bounds of the laws that are in place, whilst enforcement is not happening when it is enforcement officers breaking the okada laws.

Most of the foregoing has focused on the literature around SLBs. What, though, of policy entrepreneurship? There is little evidence of SLBs acting as strict Kingdonian policy entrepreneurs. There is some evidence from our fieldwork, however, that there has at times been some back and forth between police and politicians concerning the nature and severity of enforcement. This tended to be the exception rather than the rule, and was (consistent with the broader policy entrepreneurship literature) highly contingent on specific individuals in key positions.

What is more dramatic is the evidence of policy being changed in implementation. Starting from the notion of ‘negative’ policy enforcement as distinct from ‘positive’ policy implementation, we have argued that there is a connected element, of ‘negative’ discretion in the implementation of policy. This has been seen the excessive force, violence even, of enforcement; the abuse of authority to arrest okada riders and confiscate motorcycles even when the law was not being broken; and most egregiously when the enforcement officers themselves took the opportunity to work as okada riders, abusing the policy, the policymakers, and the citizens of Lagos. Moreover, this has been facilitated by a ban that, our data suggest, is seen by many as being an excessively overbearing approach to tackling the perceived problems caused by okada.

More data analysis is needed, but for now I finish with a final thought that comes from one of the participants in the government break-out group at the workshop:

There are some people in this country who have that sense of entitlement, so our reactions to laws, our responses to laws actually varies, there are some people from some part of this country who can easily abide but some will tell you that he no fit, this is our country, this is how will want it. ***So until we find a common ground which have been missing in policy implementation, we will still be sitting round like this and eventually all this report may just be good for the journals alone***.

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2. In contrast to some studies we avoid the term ‘megacity'. Strictly, that term refers merely to the size of a city (over ten million) and can also indicate an urban sprawl where two or more centres have conjoined. [↑](#footnote-ref-2)
3. Just over £90 at current January 2023 exchange rates. [↑](#footnote-ref-3)
4. https://www.thecable.ng/investigation-how-security-operatives-violate-okada-ban-fleece-commuters-in-lagos (last accessed 3 January 2023). [↑](#footnote-ref-4)