

Political Developments, Trade Union and Social Movement Unionism: A Case of Nigeria Labour Congress

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Abstract: This paper examines the state of organized labour under oppressive governments and austerity economic practices. Using a survey of Nigeria Labour Congress (NLC) members, this paper revealed how political developments and economic policies have influenced the Labour movement in Nigeria. It concludes that social movement role is germane to union clout. However, with growing informal sector employees, decline of the formal sector employment and increasing attempts by successive governments to limit union social movement role, how can the union galvanize support for its program and retain its clout?

Keywords: Labour Movement; Social Movement; Unionism; Nigeria; Labour Congress.

1. Introduction

The industrial relations system in most developing economies has undergone tremendous systematic transformation in nature and context over the last three to four decades. This, on the one hand, has been attributed to the internal political economy of the individual states. Whilst on the other, some have argued that the forces of globalization have immensely influenced the politico-economic development of nation states. In recent years, however, as part of development economics discourse aimed at understanding the trend and reason for these changes, a new emphasis has emerged dealing with economic development and labour institutions. One stream of the institutional analysis has drawn on historical evidence in order to explain the root causes of welfare differences between the “haves and the have nots”. Consequently, increasing evidence has surfaced linking political institutions to the level of economic development on the one hand and labour fortune on the other. This paper therefore is centered around politico-economic issues, key industrial relations legislations and an overview of the state of the Nigerian labour movement.

The research was based partly on an extensive survey of the Nigeria Labour Congress and a review of extant literature. The survey included interviews with prominent stakeholders within the field of industrial relations and some major political actors. The survey revealed a serious flaw between politico and economic development, and the level of institutional participation. The lack of involvement on the part of workers representatives (trade unions) in policy formulation has severe impact on the type of policy and its implementation. Also the mistrust between government and labour movement since independence exacerbate the flaws. It is concluded that political and economic development are the root causes responsible for the worsening economic fortunes of the Nigerian workforce and that trade unions embark on social movement unionism as a means of sustaining membership with the consequence of retaining their clout.

2. Nigeria

Political and economic developments since independence

Nigeria, with its population of about 175 million, is the most populous black nation and Africa's third largest economy. A decade after her independence, oil began to dominate the economy, leaving its strong agricultural and light manufacturing bases in favor of the unhealthy virtual dependence on crude oil export. Oil accounted for 80 per cent of the nation's revenue and 95 per cent of her foreign exchange earnings (Ikpeze, Soludo, & Elekwa, 2004). The oil boom that lasted from the early 1970s until about 1983 (Walker, 2000) spawned a phenomenal expansion of the country's economy. The new found wealth in oil, and the simultaneous decline of other economic sectors, and the sway towards a statist economic model fuelled massive migration to the cities and led to ever more extensive poverty (Ikein, 1990). A persistent decline became evident in per capital income, along with a set of adverse social indicators (Ikelegbe, 2001), putting the nation into a select group of poor oil producing nations (Ikpeze, et al., 2004). Similarly, the collapse of basic social services and infrastructures became more glaring in the 1980s (Abutudu, 1995).

Conversely, following the attainment of independence in 1960, the nation witnessed its first political 'shake-up' in 1966 when on January 15, some young military officers, mostly from the Southeastern part of the country overthrew the government and assassinated the Prime Minister and the Premiers of the Northern and Western regions. This singular act signaled the beginning of regional political divide in the country. The succeeding military junta could not quell the resultant ethnic tension; neither were they able to produce a constitution that was acceptable to all the regions. Their effort in doing so and abolishing the federal structure only resulted in another military coup by July of the same year. The July coup led to a massive massacre of Southerners – the Igbos, in the North, prompting hundreds of thousands of them to return to the Southeast. The resultant civil war and other related events within the socio-political circle has shaped and continued to dictate the political and economic development of the nation.

Table 1 depicts the history of Nigeria's political terrain from independence to date. Evidence from the table indicates that military juntas' pervade the period after independence. Between January 1966

and October 1979 there were four successive military regimes. A very close look at table revealed that the period between independence and 1999, forty years, was characterized by about thirty years of military rule. The impact of these regimes and those of civilian government on the labour movement and industrial relations will be studied.

Table I Political Development since Independence in 1960

Time in Office	Name of Leader	Type of Regime	Political Alliance	Regional Origin
Oct. 1, 1960 – Oct. 1, 1963	Abubakar Tafawa Balewa (Prime Minister) & Nnamdi Azikwe (Governor General)	Civil	NPC* & NCNC**	Northern & Eastern
Oct. 1, 1963 – Jan. 15, 1966	Nnadi Azikwe (President) & Abubakar Tafawa Balewa (Prime Minister)	Civil	Same as above	Same as above
Jan. 16, 1966 - July 29, 1966	Johnson Aguiyi-Ironsi	Military	None	Eastern
July 29, 1966 - July 25, 1975	Yakubu Gowon	Military	None	Northern
July 25, 1975 – Feb 13, 1976	Murtala Mohammed	Military	None	Northern
Feb 13, 1976 - Sep 30, 1979	Olusengun Obasanjo	Military	None	Southern
Oct 1, 1979 – Dec 30, 1983	Shehu Shagari	Civil	NPN***	Northern
Dec 31, 1983 – Aug 25, 1985	Muhammadu Buhari	Military	None	Northern
Aug 27, 1985 - Aug 27, 1993	Ibrahim Babangida	Military	None	Northern
Aug 27, 1993 - Nov 17, 1993	Ernest Shonekan	Civil	None (interim)	Southern
Nov 17, 1993 - June 8, 1998	Sani Abacha	Military	None	Northern
June 8, 1998 - May 29, 1999	Abdulsalam Abubakar	Military	None	Northern
May 29, 1999 – May 26, 2007	Olusengun Obasanjo	Civil	PDP****	Southern
May 26, 2007 – May 6, 2010	Umaru Yar'Adua/ Goodluck Jonathan	Civil	PDP****	Northern
May 6, 2010 – date		Civil	PDP****	Southern

* Northern People's Congress (NPC)

** National Council of Nigerian and the Cameroon's (NCNC)

*** National Party of Nigeria (NPN)

**** People's Democratic Party (PDP)

Nigeria is a beacon nation within the African context during this period. Hence the consequences of military rule have far reaching implications on the political scene within and outside the country, and specifically on industrial relations. Often the coming into power by a military junta suggests the abolition of any form of collective bargaining and negotiation that characterized employment relations and it embodies a subjugation of employees' rights and privileges. Although there has been a relatively stable civil system of administration since 1999, the first 'eighth' years, 1999 – 2007, saw another ex-military dictator at the helm of national affairs. The period was characterized by industrial disputes, strike actions and labour confrontation with the government.

Economic and Political Policies

Various political and economic programs were implemented under the different administrations presented in Table I. The Shagari-led civil administration was first to receive a lot of criticism from the International Monetary Fund (IMF) and the World Bank - the Breton Wood institutions, over its level of spending. The government was advised to put in place some economic measures to curb

spending and encourage savings. Operations 'Green Revolution' and 'Austerity Measure' were introduced. Consequently, severe measures to cut spending, devaluing the currency and restructuring the economy was immediately pursued (Okome, 1999). The mass revolt against these policies made the Buhari-led junta to usurped power. The Buhari regime expressed strong and vocal opposition to the Breton Wood terms and conditions. Although the country's economic crisis continued to deepen, the regime stuck to its 'gun'. At a certain point, the nationalism of the nation began to wear out over economic necessity, at least in the short run. The economic crisis, the campaign against corruption, and civilian criticism of the military, especially those organized and controlled by the labour movement, undermined Buhari's position, and in August 1985 a group of officers under Major General Ibrahim Babangida removed Buhari from power.

In order to set things right a fundamental economic reform agenda was required. The most dramatic feature of the new military junta was the adoption in 1986, of the proposed Breton Wood SAP (Okome, 1999). We examine here the dynamics of the decision by the junta to adopt and implement the SAP as an orthodox policy of economic reform, on the advice of the IMF and World Bank, but against the wishes of the majority of Nigerian people.

SAP was designed and introduced as an economic strategy to correct the distortions in the economy. The policy thrust or instrument for the elimination of the distortion in the economy included "trade liberalization, reduction in public spending and economic investment, and privatizing or commercializing State-owned enterprises" (Adesina, 1994; Okome, 1999). Due to overwhelming public antipathy to the program, the administration, at various stages, had to use a variety of strategies, including discussion, negotiation, compensation, amelioration and cooptation, threat of force, coercion and repression. These strategies were pursued sometimes sequentially, and at other times, simultaneously. Hence, the implementation did not always follow a direct path, or keep to the original schedules agreed upon with the multilaterals Bangura (1991) and Nigeria's creditors. The government's inability to maintain a strict enough agenda in its implementation of the SAP in turn elicited negative and punitive responses from the IMF, World Bank and creditor clubs' coalition (Otoibo, 1986b).

The period from 1986 to 1993 in Nigeria provides an interesting case study of the dialectical process in which contesting social, political and economic forces shaped the implementation of SAP (Okome, 1999). The outcome of this was the transformation in the domestic industrial relations, politics and economic conditions of the nation. The implementation was not as smooth sailing as it may appear from outside. While the implementation of SAP policies encountered general resistance from organized labour and civil society (Sunmonu, 1998), the reduction of petroleum subsidy was the most explosive (Adewumi, 1998).

Removal of petroleum subsidy

Most literature referred to two types of subsidy - explicit and implicit subsidy. Explicit subsidy is used in the normal sense: it is the difference between production cost and selling price. Implicit subsidy, on the other hand, is the type of subsidy that is observed in the exploitation of wasting assets such as crude oil. It refers to the difference between the opportunity cost of a wasting asset and the present selling price. Surprisingly, in Nigeria both types of subsidies applied during the Babangida regime. Although there are four functional refineries in the country, producing about 13 million liters of refined petroleum products daily, the daily domestic consumption stood at 30 million liters (Bangura, 1989). The government imports the shortfall of 17 million liters (Adesina, 1988) so as to meet daily demand. The government does not sell the imported products at their full landed cost as it subsidizes it.

The requirement for the State was therefore to stop subsidizing petroleum products. The rationale offered was that the provision of this and other subsidies was one way in which the State interfered with the free operation of markets. In particular, the removal of the petroleum subsidy would release government revenue previously tied up in the subsidy; earn more revenue for the government through an increase in the exportation of petroleum products; and reduce waste in the domestic consumption of petroleum products. More so, it is believed that it will compensate future

generations for the irreversible extraction of the product so that a foundation for continued growth, even when the petroleum resources are exhausted, is laid for future generations (Hussain, Mlambo, & T. Oshikoya, 1999). Consequently, one of the broadest coalitions of inter-class, sectional and labour movement alliances known in modern Nigerian politics was forged. This coalition persistently arrayed itself against the government over this and ensuing issues. The confrontations were vociferous, bloody and unrelenting. Hence, it serves to illustrate the degree to which the public took an uncompromising stance vis-a-vis government policy (Okome, 2002).

Trade liberalization

The liberalization of trade was another issue in the negotiations between the Nigerian State and the IMF/World Bank. Liberalization of trade entails the removal of tariff and non-tariff barriers to imported goods (Lewis, 1996). Regulations that discriminate against foreign investment are also to be eliminated. It has become a standard refrain in policy circles that expanded trade holds the key to prosperity for developing countries. According to this school, if the industrialized countries would eliminate their trade barriers, especially in apparel and agriculture, this would provide a basis for growth in developing countries, pulling hundreds of millions of people out of poverty. For the monetarists, the ensuing free interplay of market forces was expected to eliminate waste, generate productive forces and foster efficiency and growth (Greenaway, 1998; Greenaway, Morgan, & Wright, 2002). More concisely, the World Bank has described the benefit of liberalization as a means to providing stimulus to new forms of productivity-enhancing specialization, and a lead to a more rapid pace of job creation and poverty reduction around the world (Bevan, Collier, & Gunning, 1999).

Meanwhile, through the Economic Stabilization Act of 1982, which accepted the principle that economic recovery should be promoted through austerity programs, the Shagari administration had imposed restrictions on imports, recalled all unused import licenses for review and required compulsory advance deposits of 50 to 250 percent on various imports (Okome, 1999). The Buhari regime in an analogous manner extended these policies, placing all imports under license, with the conviction that import controls together with aggressive local sourcing of raw materials, were vital to the recovery of the manufacturing sector.

Conversely, the Babangida regime proclaimed its faith in the efficacy of liberated economy and removed the import licensing introduced and retained by the Shagari and Buhari administrations respectively. The regime discharged the fear that foreign goods will be dumped on the Nigerian market with the justification that adequate tariff policy will be in place for the protection of locally manufactured goods (Okome, 1998). Moreover the junta claimed local production will be boosted by incentives such as credit and capital and also that productivity will be improved through devaluation. Consequently, duties on all finished and manufactured goods were reduced in September 1986, and the 1987 budget reduced the number of formerly banned goods and those requiring licenses. There was also a slash back on import tariffs, a lessening on advance payment of import duty to 25% until full receipt of the goods, the abolition of import duties on raw materials and components for manufactured goods that were slated for export, and various incentives directed at attracting foreign investment (Okome, 1999).

Privatization

Another problematic conditionality was the requirement that the government privatize public enterprises. Privatization has become a dominant theme in the structural adjustment reforms prescribed for most African countries. The reforms always impose fiscal and monetary constraints (Gray, 1996) and preached the reliance on market mechanisms and private enterprises as the principal determinants for economic decisions. Consequently, privatization of publicly owned enterprises, popularly known as State-owned enterprises (SOEs), became a major thrust of Nigeria's SAP in 1986.

The three basic methods of privatization are divestment, displacement and delegation (the 3Ds). One of the primary economic goals of privatizing SOEs, it is believed, is to create true representatives of capital - individuals or groups who could clearly reap the gains from improved performance of the

privatized SOEs. Privatization is also said to stimulate the infusion of capital, technology, ideas, and skills as well as boost the productivity of the enterprises - thus ensuring economic efficiency. In Nigeria's case, it was further argued that the excessive intervention of the State in the economy, that causes price and market distortions, inefficient allocation of resources and stagnation, will be eliminated (Bevan, et al., 1999).

In the bid to approach the IMF for balance of payment support, the Nigerian government appointed a Presidential Commission to review 33 major parastatals and to recommend necessary reforms (Sesay and Ugochukwu, 1997; Okome, 1999). The recommendations of this commission, among other things, include the need for increased participations by the private sector and financial discipline and managerial accountability. However nothing tangible was carried out by the time the Buhari-led junta overthrew the Shagari administration. The Buhari-led junta opted for a counter trade strategy: a modern day variant of trade-by-barter Sesay and Ukeje, (1997), whereby crude oil would be exchanged for components needed to rejuvenate important sectors of the economy. It further set up another body to deliberate on the suitability or otherwise of the privatization and commercialization programs. The recommendations of the body were however ignored and the regime primarily began commercializing public establishments. Similarly, the Babangida administration set up a technical committee on privatization and commercialization (TCPC). However, by September 1985, Babangida had initiated a public debate on whether or not the country should take the IMF loan whose negotiations were stalled under the previous regime (Sesay and Ukeje, 1997). Moreover it created the Industrial Development Coordination Committee (IDCC) to help in quickening the application process for foreign investors. Consequently, further amendments were made to the Nigerian Enterprises Promotion Decree (NEPD) of 1972 (as amendment in 1977) to accommodate the regime's intended programs (Okome, 2002). In October 1985, the regime declared a 15-month economic emergency period during which wages were frozen and the importation of certain goods termed as "luxurious" were banned. This was further followed by the rejection of the IMF loan and indication of intention not to draw on a facility of SDI 650 million in support of SAP to cover the period December 1986 to January 1988 (Sesay and Ukeje, 1997).

In July, Decree 25 on privatization and commercialization was promulgated. This was to facilitate the ongoing process by the junta. Meanwhile, the regime announced a policy of "gradual and deliberate" divestment on some non-strategic industries. Moreover subsidies to parastatals were reduced and the dissolution and privatization of agro-allied parastatals initiated by Buhari was completed.

Key Industrial Relations Legislation

In order to appreciate the development of the labour movement in Nigeria, it is necessary to have an understanding of the legal basis for the development and existence or absence of certain legal requirements that created or made inevitable certain historic situations. The attempt is only a sketchy and not a detailed discussion on the various laws which regulate the practice of industrial relations in Nigeria. This is in view of the fact that some of the laws date back to our relationship with Britain, the country's colonial masters. Others can be found in the statutes which were enacted at various times either by the colonial parliament, the pre-Military parliament, the Military Decrees and the post-Military Civilian National Assembly (Ezera, 1960).

During the colonial administration, industrial relations proceeded without the benefit of orchestrating trade and industrial policies (Ikpeze, et al., 2004). What then were described as industrial relations legislations could best be passed today as a patch-work of ad hoc processes. The colonial administration adopted a careless attitude towards industrial relations generally and entrenched that same attitude in the post-World War II Ten Years Plan of Development for Nigeria (1946-1956) (Legislative Council, 1945). The ten-year plan has been roundly criticized Ikpeze, et al. (2004) not only for its inability to espouse any industrial relations goal for the nation, let alone a properly articulated set of objectives (Aboyade, 1966; Adedeji, 1971; Ikpeze, 1985), but also for its inability to either articulate or pursue a coherent industrial policy for the nation (Ikpeze, et al., 2004). First, in 1824 the Combination Acts was repealed in the United Kingdom, but combination of work people was not fully legalized until the Trade Union Act of 1871 which provided that "the purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to

render void or voidable any agreement of trust". This, in relation to the development in Nigeria coincided with the conferment of political and commercial rights and privileges on the Royal Niger Company between 1855 and 1899 (Otobo, 1995). The liberalism therefore found in the United Kingdom certainly would have influenced dealings by the Royal Niger Company, their associates and the governor who had contact and dealings with organized labour (but very informal) and the community at large.

Second, the developing concept of freedom of combination or association for governmental practice and conduct has a considerable significance. With the establishment of International Labour Organization (ILO) in 1906, all the nation and governments that were under the League of Nations agreed to give a clear expression to the right of working people to form combinations for the furtherance and protection of their interests. In a declaration of the aim and purpose of the organization, the General Conference of the ILO, meeting in its twenty-sixth session in Philadelphia, did adopt the declaration of the aims and purposes of the ILO and of the principles which should inspire the policy of its members. The Conference reaffirmed the fundamental principles on which the Organization is based in Annex I and, in particular, that -

- "(a) labour is not a commodity;"
- "(b) freedom of expression and of association are essential to sustained progress;"

Later in 1948 the ILO developed these principles into a Convention on "Freedom of Association and Protection of the Right to Organize." The "Convention C087" as referred to by the organization came into force on July 4, 1950, providing that "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization", also that "Each member of the International Labour Organization for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize" Article 3 (1) and 11 respectively.

Nigeria as a sovereign nation, gave a definite and explicit expression to its acceptance and respect for the principle of the right of workers to organize and establish organizations of their own in the Constitution of the First, Second and Third Republics.

The Colonial Heritage

The fortune of trade union began to improve in Nigeria when the government realized that trade unionism is not necessarily an evil in itself rather a method of ensuring that social benefits trickle down to most members of the society. Consequently, the first trade union birth in 1912 was welcomed by the colonial administration and its recognition did not create any problems for the administrators (Otobo, 1995). Rather it enjoyed, like others after it, the protection of the UK Trade Union Act of 1871, which along with the common law of England and doctrine of equity together with the Statutes of general application that were in force in England on the 1st day of January 1900, and came into force in the protectorates that made up Nigeria (Emiola, 1982). This Act - Trade Union Act of 1871 - according to (Otobo, 1995) constitutes the cradle of Nigerian Trade Union laws.

In 1938 however, the first Nigerian law to regulate the development of trade unions was promulgated. Trade Union Ordinance 1938 was almost a duplication of the UK Trade Union Act of 1871. The ordinance could best be seen and understood taking into account the liberal state of affairs prevailing in England when the earlier Trade Union Act came into force. The ordinance did simply emphasize agreement which has been enjoyed and extended to combinations and individuals in the country. In the main, it provided explicitly very similar provisions with those contained in the Trade Union Act 1871. For instance, the ordinance defined a trade union as "any combination whether temporary or permanent, the principal purpose of which are the regulation of the relation between workmen, or masters, or between workmen and workmen, or masters and masters whether such combination would or would not, if this ordinance have not been an unlawful combination by reason of someone or more of its purposes being in restraint of trade:

Provided that nothing in this ordinance:

a) Shall effect:

- I. any agreement between partners as to their own business or any trading agreement between employers;
- II. any agreement between employers and those employed by him as to such employment;
- III. any agreement in consideration of the sale of any profession, trade or handicraft;

b) Shall preclude any trade union from providing benefits for its workers.

Consequently, it could be deduced here that before 1938, Nigeria did not have any indigenous law which create rights for the trade unions and regulate their activities. Unsurprisingly, this should be expected since the trade unions were at their infancy stage at this point (Aturu, 2001). However, while the creation of the trade union ordinance signaled the intention of the colonial government to effectively control the emerging union, it also revealed the government intention to codify a set of common law rights and privileges for the unions (Adeogun, 1987). According to (Aturu, 2001) the mechanism for this was the requirement of compulsory registration of trade unions.

Conversely, there was a prolonged drought in the field of legislation to govern trade union and their activities. However, in 1973, the Gowon-led military junta promulgated the first indigenous law governing trade union matters (Aturu, 2001), The Trade Union Act 1973. The Trade Union Act 1973 was an attempt by the military to update the trade union ordinance promulgated by the British colonial administration (Otobo, 1995). In the main, it has been seen as the first attempt by an independent Nigeria to regulate the formation, operation and activities of trade unions. Moreover, it was a welcome development from the concept of trade unionism within limited commercial operations to that of a country undergoing swift industrialization of its resources with a fast growing labour force seeking avenues of meaningful and dynamic body to protect their interests (Otobo, 1995).

Until 1968 the law of voluntarism held sway with regard to settlement of trade dispute (Aturu, 2001). Although Trade Disputes (Arbitration and Inquiry) Ordinance of 1941 made provision for conciliation, arbitration and inquiry, parties to a dispute were not bound to adopt any of these means to settle their disputes. Moreover, the decisions of such processes are not considered binding on any party, and the minister charged with the responsibility for labour could only intervene with the permission of the parties in dispute (Aturu, 2001). However, this position changed when in 1968 the government passed the Trade Dispute (Emergency Provisions) Decree No. 21. This accordingly was to prevent unnecessary work stoppages and the attendant negative effect on the economy. This position was further strengthened in 1969 by the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree. The Decree gives the military junta the power to compulsorily settle trade disputes and extensive responsibilities to the minister (Aturu, 2001).

Again in 1976, we saw the repeal of these previous laws by another decree known as the Trade Disputes (Essential Services) Act. Although it repealed the previous laws, it nevertheless retained their basic features (Aturu, 2001). For instance, it directly placed a ban on strikes in organization tagged 'essential services'. Moreover, the Trade Dispute (Essential Services) Act empowers the President to proscribe a trade union of essential service workers if the union or its members, to his satisfaction, have been engaged in acts calculated to disrupt the economy or the smooth running of any essential service; or where they have failed to comply with the procedure for settling trade dispute in the Trade Dispute Act (Aturu, 2001).

Another turning point in the history of labour unions in Nigeria was in 1978 when the Labour Amendment Decree No. 21 was promulgated. The decree made provision for an automatic 'check off' of dues from employees wage by the employer. However, direct check off dues is not new to workers and unions at this time. Section 5(3) of the Labour Decree No. 5 of 1974, requires that deduction of unions contributions from the wages of workers be made on the approval of the commissioner if satisfied that "on application made to him (supported by evidence of written consent of the employers and of members of trade unions that the employer will make deductions from

wages of the workers for the purpose of making contribution (s), a reasonable proportion of all contributions of a worker paid to a trade union will be devoted to scheme which in the opinion of the commissioner are of benefit to the worker... where such approval is given (a) the employer shall make deductions from the wages of the worker for the purpose of paying contributions to the trade unions which has been so approved, and (b) any sum so deducted shall forthwith be paid by the employer to the union". Furthermore, where an employer is not willing to give his consent, the reason shall be communicated to the commissioner whose ruling shall be bidding on the parties (Otobo, 1995).

On the other hand, the Amendment Decree altered this practice and provides that "upon the registration and recognition of a trade union, the employer shall (a) make deduction from the wages of all workers eligible to be members of the union for the purpose of paying contributions to the trade union so recognized; and (b) pay any sum so deducted to the union, but a worker may contract out of the system in writing and where he has done so no deductions shall be made from his wages in respect of contributions mentioned in paragraph (a) of this section".

The underpinning differences here between the 1974 and 1978 laws are systematic and salient. For instance under the 1974 law, workers are required to "contract in" - giving his consent prior in writing and the employer to do same before the commissioner consideration and approval. Conversely, under the 1978 law deduction of contribution are made automatic on the registration and compulsory recognition of a trade union by the employer and its members (Otobo, 1995). Although this law provided for automatic check off dues, it however makes a provision for a worker to "contract out" in writing if and whenever he is unwilling to pay such contributions.

Three significant amendments have been made to the law in 1996, 1999 and 2004. The 1996 amendment restructured the industrial unions – the number of workers required to form a union was reduced to 29 from 42. The 1999 amendment was made in the context of the repressive regime of the military junta. It prohibited appointed union officials from being members of the unions (Aturu, 2001) and also ousted the jurisdiction of the courts in labour union matters. However, in 2004, under a civil elected government, the law was reversed. The Trade Union (Amendment) Act 2004 provided that Section 16 A of the principal Act is amended by substituting therefore the following new Section, that is:

"Upon the registration and recognition of any of the trade unions specified in the Third Schedule to this Act, an employer may:

- (a) subject to the express consent of a worker who is eligible and willing to be a member of any trade union, make deduction from the wages of such worker for the purpose of paying contributions to the trade union so registered; and
- (b) pay any sum so deducted directly to the registered office of the trade union, provided that compliance with the provisions of this section of this Act shall be subject to the insertion of a "No Strike Clause" in the relevant Collective Bargaining Agreements between the workers and their employers" (Trade Union (Amendment) Act, 2004).

The provisions of the new law sought to deregister the NLC and the outlawing of strikes in the aviation, health and education sectors. Moreover, strikes in other sectors were to be limited strictly to wage disputes and could only be called by unions representing workers in the activities concerned. Under the provisions of the bill, the registration of new, umbrella union organizations would only be permitted by the labour minister if s/he were satisfied that these groups posed no threat to national security. The minister himself was left to set the criteria for making such a judgment.

This amendment has received criticism from national and international circle. Centrally, the two proposed Bills, Trade Unions Act (Amendment) Bill 2004 and Trade Disputes Act (Essential Services) Amendment Bill 2004, sought to give government and employers legal powers to destroy all manifestations of democratic expressions of the working masses to struggle to protect their

economic and political interests in the face of relentless assaults on these interests by the pro-rich, pro-imperialist government and employers which dominate contemporary society. Every one of the proposed amendments in the two Bills cited above was consciously inserted to practically undermine the inherent powers possessed by the trade unions and the poor working masses in general. The most sensational aspect of the proposed amendments being sought by the Act is the one which seeks to de-recognize the Nigeria Labour Congress (NLC) as the sole "central labour organization".

The state and predicaments of the Nigeria's Labour Movement

Industrial Relations during the immediate post-military era can be said to have been characterized by a series of crises which in the main, have inundated the body polity, dramatically revealing the fragility of the State and the contradictions inherent in the political democratization that left foreign economic domination yet unaltered. The labour movement has been a part of Nigerian industry since the colonial period. We noticed for instance in 1912 the formation by government employees of a civil service union. In 1914, this organization became the Nigerian Union of Civil Servants after the merger of the protectorates of Northern and Southern Nigeria. In 1931 two other major unions were founded - the Nigerian Railway Workers Union and the Nigerian Union of Teachers (which included private school teachers). Legalization of unions in 1938 was followed by rapid labour organization during World War II because of passage by the British government of the Colonial Development and Welfare Act of 1940, which encouraged the establishment of unions in the colonies.

Although the labour movement became federated in 1941, the period from the end of World War II to 1964 was characterized by numerous splits, regroupings, and further fragmentation. The period also witnessed rampant factionalism which was engendered by the reluctance of the colonial office to strengthen union rights, dependence on foreign financial support, the thwarting of labour's political objectives by nationalist leaders, and intramural ideological differences. The most visible manifestation of labour movement problems at this phase was the dispute over whether to affiliate with the East European socialist-oriented World Federation of Trade Unions, based in Prague, or the more capitalist-oriented International Confederation of Free Trade Unions, headquartered in Brussels (Otobo, 2004).

By 1942, trade union membership and activities grew rapidly due mainly to the defense regulation that made strikes and lockouts illegal for the duration of the war and the renunciation of African workers the cost-of-living allowances that their European counterpart were receiving (Ubeku, 1983). In addition, while the cost of living rose by 74 per cent from September 1939 to October 1943, the colonial government increased wages only modestly. Consequently, in June and July of 1945, workers, most of whom were performing services indispensable to the country's economic and administrative life, went on a strike that lasted more than forty days. In large part, because of the strike's success, the labour movement grew steadily and by 1950, there were 144 unions with more than 144,000 members. By 1963, union members numbered 300,000 or 1.6 percent of the labour force (Ananaba, 1969). However, despite the low level of organization, labour discontent worsened as the gap widened between the wages of white-collar and those of blue-collar workers. It was further noted that in 1964, supervisors were paid thirty-three times as much as daily-wage workers and semiskilled workers in public service. Subsequently, this led to the feeling by many workers after independence that the political leadership was making no effort to reduce the inequalities of the colonial wage and benefit structure, and the conviction, corruption and conspicuous consumption that was widespread among politicians (Ananaba, 1969).

Moreover, in April 1963, pay raise for ministers and members of parliament further fuelled labour resentment because rank-and-file civil servants had been doing without raises since 1960. The five super ordinate central labour organizations consequently formed the Joint Action Committee (JAC) to pressure the government to raise wages. Numerous delays in the publication of a government commission report on wages and salaries provided partial impetus for a JAC-mobilized general strike of 800,000 supporters, most of them non-unionists, which lasted twelve days in June 1964. The success of the strike demonstrated government's fragility and the clout labour movement has. But

labour the clout generated by this unity could not be sustained; it disintegrated in the face of overtures by political parties to segments of organized labour.

Today, the labour movement in Nigeria could arguably be said to be better organized than what obtained in the 1960s and 1970s. The central trade union in the country is the Nigerian Labour Congress (NLC), which was formed in 1975 as the umbrella trade union and recognized by Decree Number 44 of 1976 as the sole representative of all trade unions. However, although the Obasanjo administration's attempt to proscribe the NLC in 2004 failed in the face of labour movement opposition to the government position, the administration continued in its bid to frustrate the activities of the movement and treat the NLC with hostility.

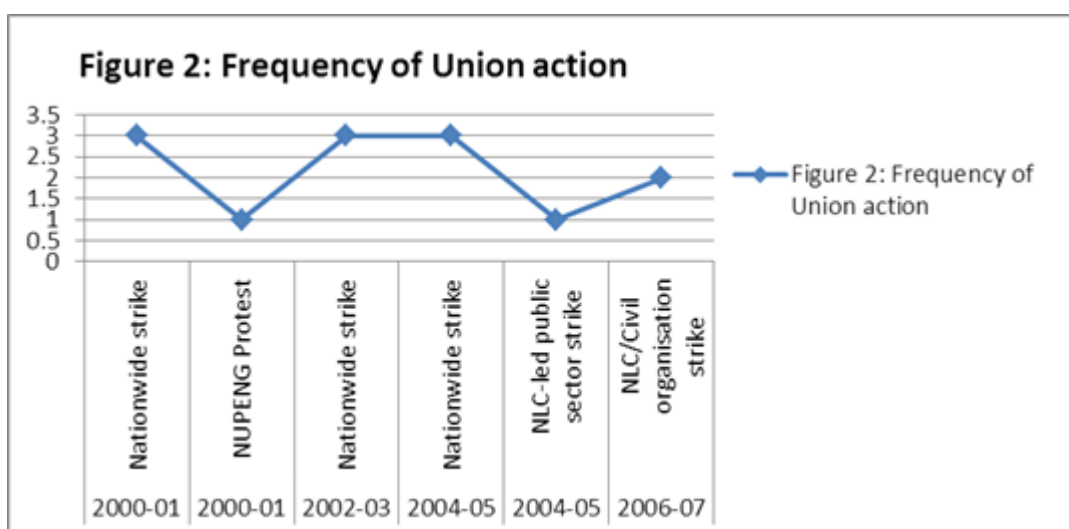
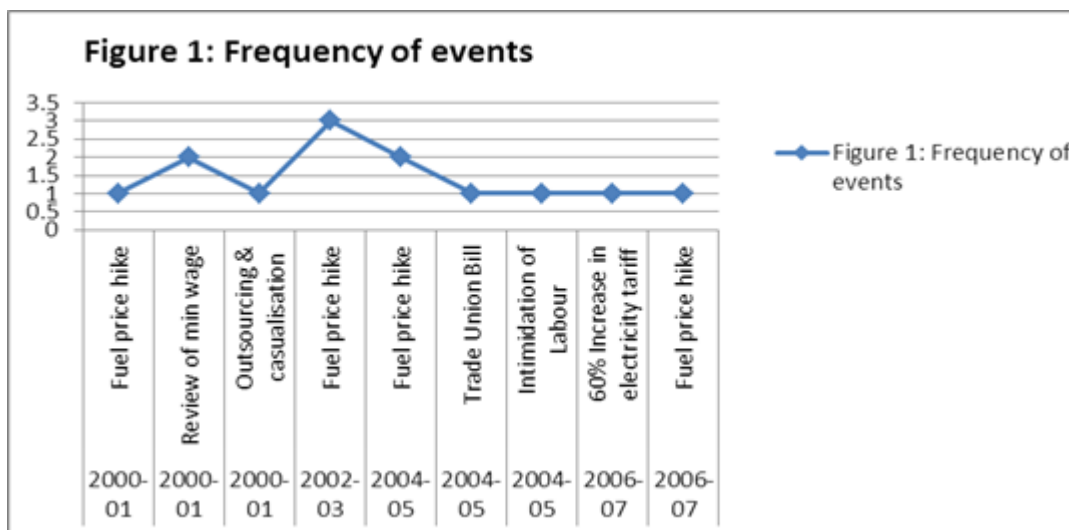
The NLC today is much organized with representative bodies all over the country. It has a National executive body and a secretariat, as well as State councils in all States of the Federation. Currently, congress membership stood at well over four million and spans the public and private sectors of the economy. It has 40 affiliate unions and 37 state councils. The affiliates also have corresponding structure in the states. However, the membership excludes the military and paramilitary services, as well as some civil establishments that offer services classified by law as 'essential'. The organization has had a chequered history, surviving two instances of dissolution of its national organs and consequent appointment of sole administrators under military juntas and a third from a civilian administration. The dissolution exemplified the travail of the congress, its leadership, affiliate and state councils, and trade unionism in Nigeria. Arbitration, prolonged and unlawful detention of labour leaders, invasion and disruption of union meetings, seminars and other activities of congress and its component by security forces and a vicious anti-labour campaign by the State generally marked the military era of Nigerian polity, while both the civil and military regimes invoked legislative prerogatives to unleash all manner of legislation to check the activities of unions.

On the economic and political front today, the NLC have made significant impact on the nature, structure and implementation of government programs. The administration of President Olusegun Obasanjo, who, on the second tenure, enjoys an overwhelming majority in the Federal parliament, and controls 28 of Nigeria's 36 states, may have been said to have crushed most, if not all, the opposition parties, however, it has failed to reckon with the growing strength of the trade union, whom the administration considers to be a 'surviving opposition'. The trade union movement has tackled the Obasanjo regime head-on over economic issues like the rising fuel prices and national minimum wage and has continually brought the country to a standstill through general strikes to make its point. Evidently, it is only the NLC that has forced Obasanjo to reverse a policy decision despite his firm control of the executive and legislative arms of government. However, by opening a chink in the President's protective covering, the NLC invoked a bitter political fight that further weaken the government or leave labour utterly vanquished.

Ironically, despite the fact that it was an Obasanjo-led military junta during the 1970s that promulgated the law that strengthened the position of the NLC as the umbrella body for all trade unions in Nigeria, the NLC on this occasion of Obasanjo's civil administration have successfully called about 12 general strikes each time in response to the government's economic policy. In 2000, barely a year into assumption of office by Obasanjo, the NLC called for a nationwide strike. However, the government reacted with barely concealed unresponsiveness. Nevertheless, as the unions continued to challenge the administration over its policies and program, the government finds this intolerable and confirms its displeasure by the introduction of a bill that was intended to neutralize the NLC. In a nationwide broadcast on the 'state of the nation', the President declared that "the NLC has constituted itself into an opposition political movement" (a televised broadcast to the nation in October 2003). Moreover, the government accused the trade unions of pursuing the "avowed objective of bringing down a democratically elected government."

The labour movement and specifically the NLC survived all attempts by this Obasanjo regime to outlaw it. The regime lasted between 1999 and 2007. During this period, the public sector workers suffered most. The government embarked upon unending retirement and retrenchment process in order to cut down the size of public sector workers. The organization of the labour movement in

Nigeria is mostly the responsibility of the organized sector workforce most of which are public sector employees. By cutting down on the public sector, the government hoped to eliminate pro-active unionists and put the labour movement in disarray.



A synopsis of the programs of the government that impelled unions' action is presented in figure 1. Figure 1 revealed that during the period between 2000 and 2007, the government of Obasanjo attempted to increase fuel pump price seven times. Each of these attempts was followed by labour protest. In figure 2 below, an attempt to highlight the actions taken by the labour movement was presented. The figure revealed that there were eleven nationwide strike actions within the stated period. Most of the actions were led by the NLC. The success of the strike actions was however dependent on the support from civil liberty organizations and the largely unorganized informal sector employees hence the clamor by scholars (Webster, 1988; Tarrow, 1998; Von Holdt, 2002; Dibben, Wood and Mellahi, 2012) to review the social movement role of the Nigeria labour movement.

3. Concluding remarks

In general terms, the review above explained the conditions under which the Nigeria labour movement has been operating since inception. The main success factors of the labour movement are primarily based on its ability to galvanize support from the community, especially the larger unorganized informal sector of the economy. This simply points to one form of unionism – Social Movement Unionism. Social Movement Unionism is characterized by high levels of solidarity mobilization and willingness to engage in collective action (Dibben, Wood and Mellahi, 2012; Oyelere, 2014).

The findings suggest that labour movement hardly enjoy the freedom associated with civil rule, especially during the Obasanjo rule of 1999 – 2007. This is clearly against the supposition that labour movement fared better under civil government (Oyelere and Owoyemi, 2011). This corroborates with the findings that labour movement in Nigeria are yet to address the problems posed to it by successive government. NLC has sought to resolve these issues by entering into dialogue with the government, lobbying and presenting bill at the national assembly and involvement in tripartite discussion.

Given the nature of labour movement development in Nigeria, social movement unionism appeared to be the most effective strategy for achieving its objectives (Oyelere, 2014). The NLC in many respects can be seen to have taken this direction especially in terms of mass mobilization, links with community and civil liberty organizations, and the wherewithal and approach to employing collective action.

Although the labour movement has made significant successes over the years, studies of current developments revealed that there is much at stake if its goals are to be achieved. For example, study conducted among members of the NLC indicated that internal cohesion is low as a result of weak internal democracy. Internal democracy is one of the elements of a successful Social Movement Unionism (Dibben, Wood and Mellahi, 2012). There are also complaints among public sector workers about the support they receive during the introduction of neoliberal economic policies such as privatization and commercialization of State Owned Enterprises, which led to mass retrenchment and retirement among public sector workforce (Oyelere, 2014).

The level of informal sector employees is increasing and the labour movement is yet to find the best way to organize workers in this sector. The study of the informal sector revealed an increase in the number of employed and yet there are no corresponding attempts to organize and unionize them. Although, there has been some ad-hoc attempt, most of which are aimed at gaining the support of these workers to achieve a certain objective, there has not been any consistent coordinated attempt to organize and unionize this group. For example, most of the artisans – bricklayer, carpenter, painters, and electricians, in the building and construction industry are largely unorganized and without protection. The NLC recognizes this problem and it is working with the minister of Labour and Productivity and the national assembly to support the promulgation of law that protects employees in this industry.

Another important issue for the labour movement is the need for continuous dialogue with other stakeholders. The role of the Nigerian State is to protect the economy whilst the labour movement is concerned with protecting the rights of employees. Although these concerns are not mutually exclusive, the problem is finding a balance. Take for instance, while the NLC agree on the one hand that the public sector need to be more productive, it disagrees on the other hand that neo-liberal policy of privatization and commercialization, which leads to mass retirement and retrenchment is the way to achieve this.

The Nigerian situation is unique when examined in relation to unions from liberal market economies such as the UK or with those from coordinated market economies like Germany (Hall and Soskice, 2001). It will be inappropriate to compare the Nigerian situation with those of other economies since the socio-political and economic conditions do not conform to one another. However, it is evident that the Nigerian experience provides key insights for unions within emerging economies. It reveals the extent to which social movement unionism can be the way forward and its limitations. The NLC, as revealed in the case of COSATU, has been successful in organizing and mobilizing a large constituency and has demonstrated a tradition of grassroots activism while dealing with the impact of neoliberal reforms, declining formal sector employment and a diminishing pool of potential members (Dibben, Wood and Mellahi, 2012: 508).

Social movement unionism is germane to sustaining union membership. Labour movements clout is primarily based on membership. Social movement unionism has ensured that membership is

sustained, if no improved upon, at least in the case of Nigeria and other emerging economies. It has helped labour movement to deal with issues that are sometimes outside of employment contract, but yet, have significant implications for workers well-being. This is epitomized in the ability of the NLC to organize nationwide strike action in protest to increase in pump prices of petroleum products. Figure 1 & 2 above depict the numbers of time nation-wide action is organized by the NLC to force the reversal of government decision to increase fuel prices. While the NLC is a good example of social movement unionism, it is careful not to be seen as opposing economic policies that are meant to change the economic fortune of the nation, yet hoping to stem the decline in public sector.

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