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The sovereignty of Labour Unions in Nigeria 2007 - 2015

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ABSTRACT

Nigeria is a developing country which attained political independence from British colonial rule in 1960. It is a multi-ethnic and multi-cultural society where inter-personal and inter-group relationships are governed by a number of subjective socio-cultural variables: ethnicity, cultural differences, majority-minority dichotomy, religions, etc. The incursion of the military into governance and the impact of the anti-labour colonial and post-colonial policies on the whole society are some of the challenges faced by the labour movements in Nigeria. From the time that trade unions first emerged in Nigeria, they suffered crude treatment and abuse from the government. The abuses were particularly grave during several years of military rule. Although Nigeria has returned to democratic governance, the abridgment of trade union rights continues. This article argues that through such behavior, the government of Nigeria infringes upon workers' freedom of association under international law – which does not augur well for the nation's future as a liberal democracy. The basic challenges of the labour movements today in Nigeria border on but not limited to, lack of entrenched and institutionalized democratic structures, good governance, civil liberties, corruption and poor working conditions of workers. The paper attempts to see how an alliance or partnership between labour movements and the civil society organizations had affected social and political policies of government in the past, and the extent to which it can reshape the future of labour organizations, industrial relations and the structure of the Nigerian society. All these factors are examined against the backdrop of increasing globalization and more specifically the internationalization of the labour market and general economic production systems and ideology.

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Introduction

The entrenchment of the Right of Expression as a fundamental human right in Nigeria could be traced to the 1960 Independence Constitution and the various amendment. The Constitution of 1960 and the Republican Constitution of 1963 have provisions for the protection of fundamental human rights. The 1979 and the 1999 constitutions went further by providing a bill of rights. This entrenchment of human right provisions in our constitutions was aimed at creating a society which protects political freedom as well as the social and economic well-being of Nigerians. However, despite the guarantee of fundamental rights and liberties in the Nigerian constitutions since 1960, the country has had the misfortune of military interruption in its polity. This had profound and far reaching effects on the promotion and protection of democratic values such as freedom of expression among Nigerians.

Freedom of association is generally regarded as safeguarding individual civil liberties. Following the principle that people may do whatever they wish as long as they do not harm others, an individual should be free to join an organization and to act in association with others as long as no harm is caused. The right to freedom of association is promoted throughout the world. "Freedom of association," said Sir Abubakar Tafawa Balewa, then Prime Minister of Nigeria, at the opening of the first International Labour Organization African Regional Conference, in Lagos, Nigeria, in 1960, "is one of the foundations on which we build our free

nations. The concept of freedom of association in labor relations means that workers can form, join, or belong to a trade union and engage in collective bargaining. It also implies that the workers are entitled to go on strike whenever necessary. Members thus enjoy the right to associate for union purposes and the right to participate in all union activities. These rights are recognized both in international law and in all civilized countries of the world. If, without justification, the authorities threaten the life of the unionist to prevent them from taking part in union activities, freedom of association is violated."

Nigeria's trade unions movement has a rich history. It took part in the anti-colonial struggle, and also contributed to the fight against military dictatorship. Since the beginning of democracy in 1999, the labour movement has acted as a guardian of the interests of the poor. Though Nigeria is a multi-party democracy based on a presidential system, the opposition parties are quite weak. They do not really have countervailing influence. Therefore, the trade unions movement has become more vocal.

Nigeria has two labour confederations: the Nigeria Labour Congress (NLC), which represents junior workers, and the Trade Union Congress (TUC), which is an umbrella body for the senior staff. The two labour confederations have separate memberships. They each have a number of affiliate unions in the different sectors of the economy.

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They have branches in the formal businesses as well as the public-sector agencies. Branches feel the pulse of the workers, and report acts of injustice to their national headquarters. Both confederations, however, have always cooperated with civil-society organisations. They share a tradition of fighting draconian government policies, which translate into hardships for the workers and the people in general.

In ethnic and religious terms, Nigeria is a very diverse society. Religious fanaticism is a serious issue, and the government is facing the challenge of violence in the Niger Delta. The country's major ethnic groups are Yoruba, Hausa and Igbo, and they have learned to live in harmony. However, there is always reason for agitation about marginalization and getting an unfair share of the national cake. The trade unions, however, have mostly risen above such divisions. Adams Aliyu Oshiomhole, a former president of the NLC, once observed that the extent of ethnic and religious discrimination was difficult to estimate, but it was not a serious problem for the NLC: "The best testimony that trade unions are not bogged down with ethnic tension is that I have made it to the position of president – I am myself from a very small minority in Nigeria." On the other hand, it is acknowledged that attempts have been made to stir up conflicts in labour organisations along lines of ethnicity and religion. The majority of the members, however, stick to the law of the union, according to which what matters is the location and the industry of employment. Unions have to be able to organize strikes, and therefore solidarity among the members is vital. All differences unrelated to work should be of no relevance.

Whenever and wherever the question of human rights is discussed, there is always a clear disagreement as to its actual meaning. The only measure of agreement, however, lies in the understanding of those rights which are recognized and protected by a particular legal system. In this regard, it has also become apparent that there are other rights some prefer to call the privileges which are not recognized and protected. It is this approach that has led to the distinction between fundamental human rights on the one hand, directive principles of state policy on the other. The one is guaranteed by the constitution and enforceable while the other is essentially non-justifiable and unenforceable. Freedom of expression as fundamental human right goes to the root of human civilization and enlightenment. This has been affirmed universally that, every person has the right to seek, receive and impart information without interference

Today, virtually every social covenant acknowledges the fundamental nature of this right and asserts the right to freedom of speech. It is well known that even states with the most widely political, economics, and social policies find it necessary to recognize the right.

The fact that the rights of expression can neither be trampled upon nor truncated either by persons or authorities shows that it is so fundamental to existence. As an author put it, whoever must overthrow the liberty of a nation must begin by subduing the freeness of speech (Creighton, 1990). Constitutionally, section 36 of the 1979 constitution (now section 39 of the (1999 constitution), stated that every citizen has the fundamental right to information, ideas, and opinions, including the right to own, establish and operate any school or institution for imparting information, ideas and opinion. Section 223 of the constitution clearly outlines the role of the press thus: The radio, television and other agencies of the mass media shall at all times be free to uphold the responsibility and

accountability of the government to the people. The role a responsible press should play in any policy, irrespective of the ideological foundation on which it is based, or the ownership structure of the universal conception that freedom of press and expression are so fundamental that the law tends to obstruct any of the two ideas, cannot be properly so called.

Conceptual Clarifications

In order to establish a firm grasp of the subject matter of this discourse, it is worthwhile to attempt a definition of each of the operational words. This is all the more necessary to establish the link between labour and the judiciary.

Labour

The term labour has not given itself to one generally accepted definition. In other words, it has no settled meaning as this is elastic. For some people, "labour is seen as the source of all wealth". In the opinion of E. Toyo, labour or trade unions "are organizations of an under-privileged class for class struggle in a society characterized by privilege.... The trade unions are organizations of the underdog in modern production and service activities. These underdogs are called employees, waged workers or salaried workers".

Labour is, therefore, an umbrella organization of all workers whose only source of subsistence is the sale of their labour power. J.A.M. Audi would appear to agree no less with this position when he argued that "trade unionism all over the world emerged for improving the economic, living and working conditions of workers."

In this paper, it is an organization of workers either in the public or private sector of the economy who sell their labour power whether mental or physical for wages and in the course of the discharge of their duties pool their energy and resources to seek permanent solutions to menacing socio-economic and political problems. Labour, in this discourse, refers to the Nigeria Labour Congress (NLC), the Trade Union Congress (TUC) and all their affiliates.

The Judiciary

Wikipedia, the free encyclopedia (2013) denotes the judiciary (also known as the judicial system) as the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes. Under the doctrine of the separation of powers, the judiciary generally does not make law (that is, in a plenary fashion, which is the responsibility of the legislature) or enforce law (which is the responsibility of the executive), but rather interprets law and applies it to the facts of each case. This branch of the state is often tasked with ensuring equal justice under law. It usually consists of a court of final appeal (called the "Supreme court" or "Constitutional court"), together with lower courts. Regarding this paper the word "Judiciary" is defined as the court of a country. It is the branch of Government vested with judicial powers. It is generally regarded as the third arm of government. The function of the judiciary is the interpretation of the laws enacted by the legislature.

Freedom of Association in International Law

The concept of freedom of association is widely acknowledged as a fundamental right in international law. There are several sources. The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, proclaims that "Everyone has the right of freedom of peaceful assembly and association." Article 23, paragraph 4, also states that "Everyone has the right to form and to join trade unions for the protection of his interests.

"The same principle is echoed in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) both of 1966. The International Labour Organization (ILO) likewise recognizes freedom of association as a fundamental principle in several major documents, the most important ones being the Freedom of Association and Protection of the Right to Organize Convention 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention 1949 (No. 98). Further, the right to freely associate is guaranteed in the European Convention on Human Rights (ECHR) 1950, the European Social Charter (ESC) 1996, the American Convention on Human Rights (ACHR) 1969, the Community Charter of Fundamental Social Rights of Worker (CCFSRW) 1989, the EU Charter of Fundamental Rights (EUCFR) 2000, and the African Charter on Human and Peoples' Rights (ACHPR) 1981. In sum, there can be no doubt that international law recognizes the right to freedom of association and the right to organize one.

Sources of the Right to Associate in Nigerian Law

Nigeria is a member of the Governing Body of the ILO and has ratified ILO Conventions 87 and 98. Nigeria has also ratified both ICESCR and the International Covenant on Civil and Political Rights. Accordingly, Nigeria is bound by these instruments. This means that workers and trade union organizations in Nigeria, like those in most other countries, have the right to lodge complaints with the ILO Committee on Freedom of Association concerning any abridgments of workers' freedoms. Besides these instruments, constitutional and legislative provisions protect the exercise of freedom of association by workers and employers.

Constitutional Basis for Workers Freedom of Association

The freedom to associate has a constitutional basis in Nigeria. Section 40 of the Constitution of the Federal Republic of Nigeria 1999 provides as follows: Every person shall be entitled to assembly freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any association for the protection of his interests. Section 40 holds great significance, for it gives the labour movement a constitutional right to associate. The Constitution further protects the worker's right not only to belong to but also to form a trade union. Thus the Constitution bars a "closed shop" agreement, "yellow dog" contract, or any other arrangement that compels a worker to join a particular union or that excludes the worker from union membership. This covers both private employers and the government itself when acting as employer. This means that a worker can decline to join union X and instead form or join union Y. Finally, the Constitution provides for access to court to remediate any breach of the right to associate. Section 46 of the Constitution states as follows:

Any person who alleges that his right to form, join or belong to a trade union of his choice has been, is being or is likely to be infringed upon may apply to a High Court in the State in which the infringement is threatened or has occurred for redress.

The African Charter on Human and Peoples Rights

Another source of freedom of association of workers in Nigeria can be found in the African [Banjul] Charter of Human and Peoples Rights 1981. Article 10 of the Charter provides that "Every individual shall have a right to free association provided that he abides by the law." Nigeria has ratified this Charter and made it a part of national law. In *Abacha vs Fawehinmi*, the Supreme Court held that since the

African Charter has been incorporated into Nigerian law, it enjoys a status higher than a mere international convention; it is part of Nigerian corpus juris.

Other Sources of Protection

Other sources of the protection of the right to associate in Nigeria can be found under Section 9(6) of the Labour Act 1990 and Section 12 of the Trade Unions Act 1990. These sections show that the right to associate and belong to trade unions is open to all, regardless of ethnicity, religion, or political affiliation. They also forbid discriminating against workers based on union membership or non-membership.

State Interference with Workers Freedom of Association

The right of all members to participate in trade union activities flows from the right of workers to associate for trade union purposes. Any unlawful and unjustified action by the public authorities that impairs the right of the unionist to actively participate in union activities will violate the right to free association. In the *travaux préparatoires* leading to the adoption of ILO Convention 87, it was noted that freedom of industrial association is but one aspect of freedom of association in general, which must itself form part of the whole range of fundamental liberties of man, all interdependent and complementary one to another, including freedom of assembly and of meeting, freedom of speech and opinion, freedom of expression and of the press and so forth. Article 8 of Convention 87 specifically provides that "The law of the land shall not be such as to impair, nor shall it be so applied as to impair the guarantees provided for in the convention." The ILO has identified certain civil liberties as essential for the exercise of trade union rights. In Nigeria, unfortunately, the state has continued to deny trade unions the free exercise of these liberties.

The Right to Personal Dignity and Safety

Freedom of association extends to the personal dignity and safety of workers; they must be free to associate and organize without fear or molestation. This is a significant aspect of trade union rights. However, it is not uncommon to hear of violence, injuries, loss of life, cruelty, torture and other forms of ill treatment, forced exile, and disappearances of workers all over the world. Many workers who try to form trade unions are spied on, harassed, pressured, threatened, suspended, fired, deported, or otherwise victimized in reprisal for exercising their right to freedom of association. The state must ensure that the lives of workers and especially their leadership are protected from both the state itself and others. In Nigeria, workers' right to personal dignity and safety is very precarious. Violence against trade unionists is endemic, including murder, disappearance, intimidation, torture, harassment, and detention. In 2002, shortly after the Nigerian Labour Congress (NLC) declared a nationwide strike over the increase of petroleum prices, security agents rounded up Adams Oshiomhole, the NLC president, and several other labour leaders, including Dr. Dipo Fashina, president of the Academic Staff Union of Universities (ASUU). Sixteen other union leaders were arrested in Port Harcourt, Rivers State, while twenty-five persons, including the state secretary of NLC, Wale Olaniyan, were locked up in Ogun State by the police. In the course of the Abuja arrests, the police exhibited excessive brutality. They seized the NLC president's car and savagely beat up Dare Agbaje, the driver. ASUU president Fashina had his shirt torn and one of his fingers broken. Throughout a twenty-four hour stint in detention, they were not allowed to receive any medical attention. Much earlier, Milton Dabibi, general secretary of the Petroleum and Natural

Gas Workers Union (PENGASSAN), and Frank Kokori, general secretary of National Union of Petroleum and Natural Gas Workers (NUPENG), were detained in 1994 and 1996, respectively, for more than two years without charge or trial. When they fell into poor health, access to medical care was denied them.

With the use of the police and other law enforcement agencies to harass and assault trade unions in Nigeria, the state cannot deny responsibility of this affront. A government spokesman recently warned labour against what he described as "unnecessary confrontation," and added that the government would not tolerate "any excessive militancy" from them. This sort of statement suggests that the government tacitly supports the attacks against unions. Even where unions and workers are harassed by people outside the government, responsibility still rests on the government, for it turns a blind eye to the atrocities. Nigerian trade unions were in the vanguard of the nationalist movement, which eventually led to Nigerian independence and freedom for all citizens. It is disturbing that they are now treated as enemies by the government. The secretary general of the Organization of African Trade Union Unity (OATUU) has expressed a similar view:

As a trade unionist, the question that worries me most is why trade unions which fought side by side with political parties to dislodge colonialists... are not now accepted by African Governments... Trade unionists are in jail or in detention... some under investigation, splits are being encouraged to weaken trade union leadership ... some unions are facing threats of dissolution. There are trade unionists living in exile because they have displeased home governments. In sum, the abuses of trade union rights remain a sore point in Nigeria.

The NLC successfully organized four general strikes between 2000 and 2007 (Komolafe, 2007). Strikes remain the key element of industrial conflicts in Nigeria. Hyman (1989) described industrial conflict as an obstruction of normal work situation in which workers refuse to attend their workplace, assiduously and conscientiously perform their work and submissively obey instruction. In recognition of the NLC's power to strike, the Nigerian government amended the Nigerian Labour Law especially through the enforcement of the Trade Union Act of 2005. This reform with the state renewed interest in criminalizing strikes has produced a new climate of industrial relations in Nigeria. It has been shown that the plurality of an industrial organization makes industrial conflict inevitable (Jameson, 1999). Therefore, situations that have progressively generated industrial conflicts in Nigeria can be attributed to industrial pluralism, which has been repositioned through several reforms.

It is essential to examine industrial conflicts mismanagement in the context of labour reform in Nigeria. Industrial conflict management is a decision making process towards ensuring workplace justice. Failure in this direction can be described as mismanagement of industrial conflicts. In Nigeria, industrial conflicts management occurs in a matrix of unequal power relations and conflicting regulations. The use of state machineries in the management of industrial conflict has been pivotal in Nigeria. This raises the need for effective management of industrial conflict to ensure workplace justice through neutrality in mediation and arbitration. Unfortunately, lack of effective management of industrial conflicts would contribute to Nigeria's impending failure to achieve the Millennium Development Goals (MDG),

which embodies national and international development initiatives (World Bank, 2007).

It has been shown that resolving conflicts and supporting post conflict reconstruction are prerequisites for achieving the MDG (Wordofa, 2008). In contrast, Aspinal (2007) demonstrated that exploitation would generate conflicts through an appropriate identity based collective action. An emerging situation in Nigeria appears to sustain outcries against exploitation of labour with recurrent industrial conflicts and lack of government readiness to redeem the situation.

Freedom of Assembly

It is very important that trade union organizations be able to organize meetings and other activities without having to seek permission from the authorities. ILO Convention recognizes this fact by providing that "the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof." Yet that has not consistently been the case in Nigeria. Organizations must seek official authorization before holding a public meeting or gathering. Such a requirement can greatly diminish the exercise of free association, especially when workers seek to engage in activities that the authorities may consider a challenge against their own policies and programs. The Nigerian Public Order Act is a radical example here: it empowers the authorities to prohibit gatherings or mass meetings. Unionists could be prevented from gathering to discuss a contemplated strike, for example, or to conduct an election. Giving such wide discretionary powers to a functionary of a state that is openly hostile to trade unions is bound to lead to abuse of power. In August 2002, for example, the Federal government without reasonable cause dissolved the executive committee of the Maritime Workers Union of Nigeria (MWUN). Without an executive council or committee, a union cannot assemble to discuss and further the interests of members.

Freedom of Opinion and Expression

The right of trade unions to function freely and properly can be affected by state or other form of censorship. Unionists need to be able to express their views openly, without fear of reprisals from the state or others. The presence of police or other security at trade union meetings could chill the freedom of expression of trade unionists and their participation in trade union activities. Even though the Nigerian Constitution guarantees freedom of expression for every citizen, authorities take brutal measures against those trade unions perceived to be working against their interests. The Nigerian Union of Journalists has persistently complained of violations of its members' rights. On January 4, 2002, for example, an anonymous caller who claimed to be working in tandem with the State Security Services (SSS) in Ibadan, the Oyo State capital, in a telephone conversation with Bayo Oladeji of the Nigerian Tribune, said in a muffled voice, "your [telephone] number is under surveillance and we know what you have been doing with it. This call is from the SSS and we are going to sweep that house very soon." The reason for this threat was articles he wrote, which were considered unfavourable to those in power.

The Committee on Freedom of Association believes that a union's Convention 87 rights preclude any requirement that it submit all communications and publications for approval before distributing them. Any such requirement could both invade privacy and erode the autonomy and independence of trade unions and their members. The Committee on Freedom

of Association also considers that the full exercise of trade union rights calls for a free flow of information, opinions, and ideas, and that workers, employers, and their organizations should enjoy freedom of opinion and expression at meetings, in publications, and in the course of other activities.

Protection of Trade Union Property

Government and its functionaries should treat trade union property like any other private property: as inviolable without reasonable justification. Searches of trade union offices and the dwellings of trade union members should be carried out only with proper warrant and in strict compliance with the purpose of the warrant. Trade union property should also be safeguarded from unwarranted destruction. In Nigeria, government disrespect for trade union property is commonplace. The Nigerian Labour Congress and its affiliate trade unions (more than 50) have been raided by the authorities without legitimate cause. In the recent ILO Case No. 2267/Nigeria (2004) Complaint Against the Government of Nigeria on Freedom of Association, the Academic Staff Union of Universities (ASUU) brought a complaint to the ILO concerning violations of freedom of association and gross infringement of trade union rights, including summary dismissal of academic staff because they had taken strike action, and harassment and victimization of trade union members. Following strike actions by ASUU in 2001, 2002, and 2003, forty-nine lecturers of the University of Ilorin were dismissed, union property vandalized and removed, and premises were sealed. Staff purportedly dismissed were also brutally evicted from their living quarters.

These actions were stoutly condemned by the ILO Committee on Freedom of Association, and the Nigerian Court ordered the government to reinstate the dismissed lecturers and restore trade union property. It was only under the regime of President Jonathan Goodluck that the lost rights and privileges of the forty-nine UNILORIN lecturers were restored.

International Affiliation

International affiliation is certainly one of the basic trade union rights enshrined in Convention 87 of the ILO. Article 5 provides that: Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisations, federation or confederation shall have the right to affiliate with international organisations of workers and employers. However, the Nigerian state has continued to deny trade unions the full opportunity to exercise their right to freedom of association in this regard. The successive military regimes between 1985 and 1999 completely banned international affiliation by trade unions. The present civilian administration is similarly hostile. Large international affiliates have helped trade unions grow in many developing countries. By affiliating with other organizations, a trade union can gain access to financial assistance, training, and other benefits. It is ironic that the same government that goes about the world seeking aid and debt forgiveness would prevent its trade unions from freely seeking international affiliation so as to benefit from potential assistance.

International affiliation would bring Nigerian trade unions into contact with their counterparts in both industrialized and Third World countries of Asia, the Caribbean, Latin America, and the Pacific, thereby providing a useful forum for the exchange of views and ideas, mutual cooperation and assistance, alliance on international industrial action, and other ways to find solutions to workers' problems. When it bars such

affiliations, the government of Nigeria violates freedom of association.

Recommendations for Protecting Trade Union Rights in Nigeria

As we have seen, the rights of trade unions in Nigeria are routinely violated. The ILO has repeatedly voiced outrage over Nigeria's continued flouting of labour rights. The government's actions arise out of arrogance and show contempt for the people. What can be done to solve these problems?

Absolute respect for the Rule of Law

Beyond doubt, the history of military domination of politics and governance largely accounts for the authoritarianism of the Nigerian state today. But those times are past. Democracy extols the rule of law. The rule of law seeks to ensure that a government acts within the constraints of its constitution. It also provides for equality before the law and due process of law. Now that Nigeria has returned to full-fledged democratic governance, the government must respect the rule of law and the human rights of the citizens, including the rights of trade unionists. The government should be bound by its constitutional provisions. As a constitutional government, it should not take any arbitrary action to violate trade union rights. To do otherwise is to foster an environment where authoritarianism flourishes, the rule of law is negated, and neither officials nor private entities respect trade union rights and dignity.

Judicial Role

The judiciary plays a very prominent role in a society governed by the rule of law. The judiciary has the important tasks of interpreting the constitution and defining the scope and limits of the powers of both the executive and the legislature. Court represents the last hope of the common man against the powers of government, which makes it essential for the judiciary to exhibit a high sense of duty and commitment to the cause of justice. The judiciary must annul and invalidate any governmental or other action that violates trade union rights in Nigeria. It must fearlessly ensure that the constitution and laws of the land are fully complied with. If the courts will intervene in such matters, then we can begin to see a ray of hope for protecting trade union rights in Nigeria. As the American Supreme Court Justice Hugo Black pointed out in *Chambers v. Florida*,

Courts stand as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or victims of prejudice or public excitement. Trade union rights must not be allowed to suffer at the hands of the Nigerian state. The time is thus ripe for the Nigerian judiciary to embrace the legitimate authorities of judges and invalidate all acts that violate trade union rights. The Nigerian Constitution makes the executive and legislative powers subject to the provisions of the constitution and to the courts. These provisions authorize the judiciary to play an active role. It should do so.

Compliance with International Labor Standards

There is the urgent need for Nigeria to comply with all the ILO Conventions to protect trade union rights. At a time when most countries are fighting to protect the human and trade union rights of citizens, Nigeria must not take a retrograde step, one that will deprive it of full standing in the international milieu of states that comply with international labour standards. The time is ripe for legislative intervention.

In line with the ILO's principles and standards, all draconian decrees and laws that have infringed upon workers'

and unionist's rights in Nigeria should be removed from our statute books immediately. Compliance with international labour standards will do much to ensure the protection of trade union rights in Nigeria.

Conclusion

Nigeria continues to violate trade union rights, contrary to both its own constitution and international standards. A few of the violations have been discussed here, but we must stress that this account is far from exhaustive, for violations of workers and trade union rights are usually unreported. The Nigerian authorities must provide an enabling environment for freedom of association, in which trade unions can flourish. The status quo, with union leaders and other unionists hounded and arrested with no regard for due process, is unacceptable. Like other liberal democracies, the government of Nigeria must respect the rights that trade unions derive from the freedom of association. Indeed, it should encourage and empower unions to help with the task of economic development.

We agree with Harold Laski that "Without freedom of mind and of association a man has no means to self-protection in our social order." One must hope that Nigeria will unleash its trade unions and restore its posture as a liberal democratic nation that respects the rule of law.

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