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United we stand: labour unions and human rights NGOs in the democratisation process in Nigeria

E. Remi Aiyede

Human rights NGOs were the vanguard of the struggle for democratisation in Nigeria, but they had to forge alliances with labour unions and other groups to galvanise this process effectively. This paper explores the alliances between labour unions and NGOs in the struggle against military dictatorship in Nigeria to analyse how horizontal relationships have fared in exchanges within civil society. It argues that the exigencies of sustained political struggle throw up conflicts over issues of participation, accountability, and egalitarianism that in turn promote social capital within civil society by mitigating hierarchically structured and asymmetrical patterns of exchange among its members.

Introduction

Civil society continues to loom large in the discourse on democratic transitions in an era that has been described as the 'third wave' of democratisation. According to the popular optimistic view, civil society acts as a catalyst for mobilising a transition from dictatorship to democratic rule. It is also critical to consolidating and deepening democracy, once an electoral democracy has been established. However, this optimism about the potential of civil society organisations to catalyze and advance democracy has recently been challenged. This challenge stems from the modest record of achievements in institutionalising democratic processes in several of the countries making the transition to democratic rule (Zakaria 1997; Encarnación 2000).

How the actions of civil society advance democratisation processes or promote the health of established democracies remains a subject of debate (see Newton 2001). This debate centres on the theory of social capital, which Diamond (1999:226–227) describes as providing a powerful understanding of the missing link between the vibrancy of associational life and its various impacts on democratic deepening. In his view, the strength of the theory of social capital is in Putnam's (1993) narrower conception of the civic community, which includes only associations that are structured horizontally around ties that are more or less mutual, cooperative, symmetrical, and trusting. This conception recognises that there could also be an 'uncivic community' (consisting of organisations with hierarchical and unaccountable internal leadership) within civil society, which is nevertheless active in democratisation struggles and in the pursuit of democratic reforms in a larger political system. Given this appreciation of the

range of organisations within a pro-democracy movement, it has been widely assumed that when such a movement is dominated by organisations that are not civic but rather characterised by asymmetrical patterns of exchange, patron–client relations, and scant horizontal ties among the general membership, cooperation becomes difficult. This is because in such situations, building broad fronts not only for sustained opposition to dictatorship, but also for the organisations to coalesce into forms that can meet the challenges of consolidating democracy, is likely to be harder.

However, this explanation of the disjunction between a vibrant associational life and limited ‘civic-ness’, even in a context of serious pressure for democratisation, may be less helpful in explaining concrete experiences in transitioning countries where democratic struggles typically involve a complex process of interaction between several organisations: local NGOs, labour unions, opposition parties or organisations, and international donor agencies.

For instance, what is the role of social capital in mediating the interaction between differing organisations that must nonetheless cooperate and work together to achieve the broad goals of democratisation in the long and short term? Organisations that constitute the pro-democracy movement may well have differing levels of internal democracy, different leadership styles, different vision and practice, distinct organisational structures, and varying levels of trust among members. In situations where electoral democracy has been achieved, to what extent does the necessary networking and cooperation, with all its ups and downs, help to promote internal democratic practice in the less democratic organisations and thus increase the chances of building social capital and the subsequent consolidation of democracy?

In exploring these questions, this paper examines the interactions between labour unions and NGOs in the struggle against military dictatorship in Nigeria. It begins by reviewing the labour movement’s involvement in politics, which was complicated by the development agenda of the 1960s and 1970s, and its subsequent victimisation in the economic crisis of the 1980s and 1990s. It traces the context of the emergence and evolution of the human rights NGOs that spearheaded the pro-democracy movement in Nigeria. It then explores the internal dynamics of the alliances between these organisations to analyse how horizontal relationships have fared in exchanges within civil society. It argues that sustained political struggle throws up issues of participation, accountability, and egalitarianism that in turn promote social capital within civil society.

Labour and political change in Nigeria

The labour movement in Nigeria emerged in opposition to the excesses that characterised Nigerian politics from independence until the 1980s. During this period, the movement articulated the aspirations of the broad masses of society and mobilised public sentiments against the abuses of the ruling elite, whether military or civilian. Labour mobilised the public around nationalist causes, and lambasted the widening gap between the affluence of politicians and the poverty of the majority of Nigerians. It raised questions concerning access to education, health, and other welfare services. It challenged authoritarian tendencies, exemplified by the call to create a National Government in which official opposition was abolished and by the preventive detention act of the 1960s, and general repression by the military in the 1980s.¹

This was in spite of its weakness, which the literature documents as including internal fragmentations caused by ideological differences, disagreements over international affiliation and strategy, personality clashes and individual ambitions, conflict over the use of union funds, disagreement over forms of collective political participation, and opportunism (Ananaba 1969; Yesufu 1984; Barchiesi 1996).

Given this record, there have been efforts to explain the achievements of the movement and to understand its relevance and potential in the political liberation movement of the 1980s and 1990s. For example, the effectiveness of labour has been attributed to its nature as a social movement and to its capacity as a vehicle for social mobilisation. Also, a crisis in the state is often said to manifest itself as a crisis in labour relations not so much because of the existence of a relatively large mass of formal-sector labour as because of organised labour's relatively long political experience beginning in the nationalist struggle for independence and its immense ability to articulate and mobilise popular forces to confront the ruling elite (Adesina 1994, especially Chapter Five; Bangura and Beckman 1993). This implies that the labour movement owes its prominence less to its internal democratic structure or its technical capacity than to its ability to mobilise as a vehicle to create space for democratic debate and contestation, or even constrain the state, especially when the leadership is urged on by pressures from below. Indeed, labour's strength lies in its unity, for moments of effective challenge to the state have often been moments when the labour centres unite in ad hoc committees and collectively pursue specific actions in order to make particular demands of the state. That said, a series of independent efforts by the various central labour organisations in Nigeria to coalesce into a single labour centre have failed.

By the late 1980s, however, labour's pre-eminence had dwindled remarkably, as its organisational weaknesses, reinforced by the state's prolonged and sustained effort to subordinate and cow the movement, eventually threw it into disarray. How did this occur?

In the 1960s and 1970s, the instruments, mechanisms, and processes of labour control were defined by corporatist principles permeated by a statist ideology of developmentalism, where the fostering of peripheral capitalism was presented as 'development' and any obstacle put in the way of capitalist accumulation was considered sectarian and illegitimate. Adesina (1995:8) notes how the state's role in the accumulation process was felt at three levels in labour relations, namely: (a) the increased use of statutes (especially military decrees) to control and restrain trade union actions; (b) the use of judicial processes to the same ends; and (c) the use of the coercive machinery of the state against the labour movement. The decrees increased the power of the state to intervene in labour relations and the labour process. The state was empowered to (and actually did) define trade unions and trade unionism as well as determine who could participate in and/or lead unions. The state prohibited unions in certain sectors by defining them as essential services not amenable to the disruptive activities of a unionised workforce. The state not only regulated the internal administration of trade unions but freely proscribed them. It barred some union leaders from trade union activities and detained many of them without trial for indefinite periods. Extensive powers of oversight over unions were not only vested in the office of the Registrar of Trade Unions, but the state unilaterally restructured labour unions and inserted the 'no-work, no-pay' rule in the statute book (Otobo 1988; Ohiorhenuan 1989; Adesina 1994, 1995).

The government's restructuring of the movement between 1975 and 1978 saw more than 1000 small unions, 42 industrial unions, 15 senior staff associations, and four professional associations reorganised into a central labour body. For the first time in Nigerian history, only one central labour organisation was permitted to exist. Subsequently, the Nigeria Labour Congress (NLC) became prominent within the polity as a federated organisation and found a strong voice in the policy arena. But bureaucratic unity, achieved through the instruments of the state, foreclosed organic unity. Bureaucratisation and elaborate hierarchical structures also removed control of the unions from the rank and file.

The economic crisis of the 1980s forced a change in the existing relations between the state and the NLC. If the 1960s and the 1970s were characterised by excessive state intervention in order to establish a corporatist framework to fit a statist accumulation programme, the 1980s

and 1990s were characterised by the virtual pushing out of unions from the policy arena. This period marked the collapse of corporatism into containment and exclusion, made possible by the reduction in the numerical strength of unions and the subsequent erosion of their financial base under structural adjustment, when retrenchments were common. Unions, especially the NLC, began to rely on government patronage for funding. This, more than anything else, is what weakened union organisational unity and independence, and thereby the influence and power of union leadership. Massive redundancies and retrenchments in the public and the private sector rendered union activism difficult, risky, and costly at both the shop-floor and the central level.

During this period, the government used income policies to impose and sustain wage freezes (especially between 1982 and 1988). Decrees and presidential orders further strengthened the hand of the state, its agencies, and agents to regulate unionism and determine the internal organisation and structure of unions, their international affiliation, and the activities of individual union leaders and workers. These decrees and orders empowered state agents to detain individuals without trial for up to six months. The powers of the National Industrial Court (NIC) and the Industrial Arbitration Panel (IAP) were strengthened to enable them to be used to harass and deal with workers. Workers and union leaders were routinely arrested, detained, and intimidated. Trade unions were proscribed. A further restructuring of the trade unions in 1996 under General Sani Abacha redefined the role of union membership in order to weaken the influence of full-time union employees—who have always been the bulwarks of trade unions.² Union leaders were also co-opted to weaken labour opposition to state action and policies.

There were, however, moves within the labour movement to counter these control measures. Union strategies have included militancy: the use of strikes to disrupt established procedures both within firms and in society more broadly. Trade unions have organised to shore up solidarity and marshal resources to support collective action. Workers have also drummed up external and public support for their cause in their many confrontations with the state; and they have made scapegoats of particular representatives of government in an effort to secure advantage.

To be sure, the Nigerian labour movement was too weak to carry out an effective and coherent response to the challenges to its autonomy and effectiveness outlined above. Owing to the inability of unions to ensure that their members were able to survive the economic recession, the rank and file were not inclined to subordinate their immediate personal aspirations or interests to common rules and collective decisions. The reasons for this failure are to be found not only in the scale of the challenges that confronted the labour movement or the treachery and opportunism of some trade union leaders alone, but also in the ambivalent nature of the trade union as an institution. On the one hand, collective organisation is the means through which workers create social power that is far greater than the sum of that which they possess as individuals, for unity and coordination replace competition and division (Hyman 1975:194). On the other hand, collective organisation is an instrument for disciplining workers and putting them under systematic control.

In Nigeria, through interventions in the leadership succession processes, the NLC and other strategic unions came increasingly under the control of the state, especially in the period of economic reforms in the late 1980s. Personal economic pressures rendered trade union leaders easy targets of co-optation by the state. Unionists connived with state agents to subvert democratic processes within the labour movement. By the 1990s, the movement had become militarised even in its internal dealings.

Thus, by the time the democratisation struggle began to gather momentum in Nigeria, the labour movement had been badly battered. Besieged by state agents, enmeshed in ongoing

internal conflicts, and converted into an instrument of capital accumulation, the labour movement became incapable of protecting its members. Unlike its counterparts in Poland and Zambia, it was unable to play a leading role in the fight for democracy. The government had sacked the leadership of the NLC in 1994 and appointed sole administrators to run its affairs.³ Consequently, the entire movement was thrown into disarray. The pro-democracy elements within the movement had to fight for organisational rights and for autonomy from the state. After the capture of the NLC by the government, this struggle for the expansion of internal democratic space was undertaken by individual unionists, with their organisations where possible, and in alliance with other civil society groups with similar aspirations. Very prominent were the 22 progressive labour organisations led by the unions in the oil industry, which had to forge alliances with human rights groups to play a significant role in the democratisation struggle in the heat of the annulment of the 12 June 1993 presidential elections (Momoh 1996). These alliances became mutually reinforcing and provided an outlet for formidable resistance to military dictatorship.

Authoritarian rule and human rights advocates

Nigeria has had the experience of radical lawyers standing up in defence of activists who were unduly detained or arrested without trial. Over the years, some of these lawyers, such as Gani Fawehinmi and Femi Falana, became an alternative voice to a largely conservative bar association. Such lawyers became household names as they staunchly defended student activists, labour leaders, and other social critics who were arbitrarily jailed by various military governments. These lawyers, and other prominent social commentators like Tai Solarin, pursued this activist role at grave personal costs, as they were often victims of state repression, intimidation, and harassment.

With the economy in crisis, the Nigerian state was unable to meet the financial demands of the many programmes with which it had sought to subordinate non-state centres of power while maintaining some measure of legitimacy. As a result, it became even more unaccountable, despotic, corrupt, and authoritarian. The state was increasingly driven to rely on the use of force to ensure compliance. The spate of unlawful and arbitrary arrests created a feeling of siege within the polity, thereby activating civil society into organising to counter the assault on civil and political rights, freedom, and civic values.

The Civil Liberties Organisation (CLO) was established in 1987 by a small number of lawyers after receiving complaints from people who had been victims of abuses of state power. Even as the CLO gained visibility, state repression increased. As many activists, including trade unionists and the radical lawyers mentioned above, were clamped in detention, their friends and other concerned individuals began to establish organisations to pressure the government for their release. These organisations constituted the nucleus of the human rights NGOs that were eventually to lead the pro-democracy movement in Nigeria. A classic example is the Committee for the Defence of Human Rights (CDHR), which emerged from the original structure used to campaign for the release of Dr Beko Ransome-Kuti and Femi Aborishade in the late 1980s (Enemuo and Momoh 1999).

These human rights NGOs initially set out to promote respect for the rule of law and due process, to fight for the recognition of basic rights as proclaimed by the Universal Declaration of Human Rights (UDHR) and the African Charter on Human and Peoples' Rights, to reawaken people to their social and political rights, and to put pressure on the government to improve prison conditions. They turned to pro-democracy activism when the democratisation process became over-regimented and the government became very arbitrary in its actions.

Apparently, they soon realised that respect for the rule of law only makes sense when the state itself is not lawless and contemptuous of individual and group freedoms.

Human rights NGOs were able to raise public awareness about human rights abuses and soon became the major proponents of liberal democracy as a way to resolve socio-economic problems. They issued critical press releases and statements on human rights abuses at the hands of government, publicised the poor state of prisons, and resorted to the law courts to challenge arbitrary government actions. The CLO and CDHR annual human rights reports portray in graphic detail (sometimes even with photographs) the gross abuses of human rights and the torture of detainees. As the activities of these organisations gained national recognition and international support, the military government of General Ibrahim Babangida began to worry. However, the organisations continued to multiply as more donor funds became available. Their ability to secure such funds, especially from international agencies, further reinforced their independence and capacity.⁴ The leaders of these organisations were also skilled in and conversant with court procedures, and the courts became the battleground from which to challenge dictatorship.

In an attempt to render these pro-democracy organisations less effective, the state began to include an ouster clause in every draconian decree. Such a clause usually put any case arising from an action falling under that decree beyond the jurisdiction of a court of law. It also strove to discredit the movement by portraying it as being made up of agents of foreign interests. It harassed and detained some officials of these NGOs for varying lengths of time. This, coupled with the annulment of the 12 June 1993 presidential elections, called for a change of strategy. After the annulment, there was a palpable need for a more organised mass defiance of the government and a more combative and confrontational challenge to the state. The human rights organisations had to find a way of meeting this need, and, being largely urban based, and mostly concentrated in Lagos, they faced a particular challenge. What was required was the uniting and mobilising of efforts of workers, young people, and other popular forces committed to democratisation in order to make an impact on an obstinate military regime. This imperative of uniting all shades of organisations interested in expanding the democratic space was realised through the formation of the Campaign for Democracy (CD), an umbrella body whose membership spread to include labour unions, professional organisations, and students' and women's organisations, among others.

Social capital and the alliance between labour unions and human rights NGOs

Even before the annulment of the 1993 presidential elections, labour unions had started to work with other groups in civil society to pursue common objectives. Apart from workers 'playing' leading roles in popular struggles because of their centrality in the production process, as well as their long history of political struggle, unions have freely aligned with other groups when they have perceived that such a concerted effort could constitute a potent force in the pursuit of certain demands (Bangura and Beckman 1993:98). These alignments have put trade unionists in touch with radical elements and social critics within the Nigerian polity.

Human rights groups have provided legal assistance to union officials arrested or detained by state security agencies. Thus, many members and officials of trade unions became actively involved in human rights groups, sometimes simultaneously holding positions in pro-democracy and human rights organisations. Human rights organisations and trade unions held regular meetings to pursue common goals, and some unions actually became officially affiliated with the umbrella bodies of pro-democracy coalition groups such as the CD, United Action for Democracy (UAD), and the Joint Action Committee of Nigeria (JACON).

But these alliances remain mostly informal. Journalists, union leaders, and student and human rights activists are joined by their shared experience of state repression. In fact, most human rights groups draw their membership from the labour movement, professional associations, academic unions, and the student movement. The idea of a broad-based social movement of the salaried classes therefore became an objective reality in Nigeria. However, while the coalescing of people of such diverse backgrounds has served to enrich the movement, it has also raised serious problems that have impeded the success of the pro-democracy movement. In other words, although forging such alliances holds the promise of a revitalised civil society, it is not without its drawbacks.

Alliances in Nigeria have been formed to challenge oppression and undemocratic practices jointly, and to uphold the rule of law, public accountability, and the freedom and independence of civil organisations within the country's political landscape. While these alliances have enabled labour to bring wider social content to the struggle, trade unions themselves have been exposed to new issues. Importantly, liberal discourse has largely supplanted leftist slogans, which was the hallmark of the dominant group within the labour movement until 1988, when government intervention in the internal affairs of the movement gave rise to the emergence of Paschal Bafyau as president of the NLC. Social issues such as the right to collective bargaining as deriving from the right to freedom of association, as well as issues of child labour and gender equality within the workplace, became areas of concern for human rights NGOs. The unions not only adopted the language of rights, but some trade union activists—in concert with members of the human rights community—also established NGOs for the promotion of specifically labour-based rights, plugging into donor funds in order to do so. Prominent among these is the Centre for Workers' Rights (CWR), formed in 1994 to campaign against the crackdown on labour unions, and the Campaign for Independent Unionism.

Alliances between labour unions and human rights NGOs have thrown into the open questions of civic values within these organisations. Pressures for internal democracy had become visible before 1993, but they exploded when the movement became 'war wary' in 1997 as the General Sani Abacha-led junta infiltrated the movement and strove to divide it. Newspapers became awash with personality conflicts, accusations of mismanagement of funds, patron-client relations and autocratic leadership styles, and issues of ethnicity. These issues also frequently came up in seminars and workshops, especially those devoted to the expansion of democratic space in Nigeria. Individuals and groups within the labour movement made a case for greater participation in decision making. They decried the patronising behaviour of the movement's leaders, and thus called attention to the impact that prolonged military rule had had on the character of civil society itself, especially of such long-standing organisations as the labour unions.

The question of militarisation was raised not only in terms of the general tendency among the populace to resort to violence but also by the replication of military command behaviour in the management of many trade unions and NGOs. Thus, democratic struggles have to address the question of internal democracy within pro-democracy organisations themselves as well as dealing with issues of developing constitutionally governed relations between such groups and the state. Pressures for internal democracy often straddled the process of struggles for the autonomy of civil society organisations and for organisational rights. These struggles and how they are resolved have consequences for the outcome of civil society pressures for the democratisation of the larger political system of Nigeria.

The struggles for internal democracy and accountability have led some members of these organisations to break away in protest to form their own separate organisations. Accusations of financial recklessness and authoritarianism and their attendant conflicts have ensured that such umbrella bodies like the CD remain ad hoc. While a united front would have provided

greater strength, the pro-democracy movement has created several umbrella organisations without any one of them commanding sustained and universal support for any extended period of time.

To be sure, differences in organisational structure and processes sometimes stand in the way of sustained cooperation. Organisational solidarity and competition have also been major sources of quarrel. Union leaders can sometimes be sensitive about the phenomenal rise of human rights groups. They fear that these groups may take over the entire leadership terrain of popular struggles. These fears have generated disagreements over roles, and have therefore weakened alliances. However, donor agencies, wary of duplicated efforts among these organisations, have continued to promote and support networking among NGOs within the country.

Over the years, many of the human rights organisations, including the CLO and the CDHR and umbrella bodies like the CD, have experienced democratic changes of leadership, largely as a result of internal pressures. Relatively newer umbrella organisations like the United Action for Democracy (UAD), the Transition Monitoring Group (TMG), and the Citizens' Forum for Constitutional Reform (CFCR) have adopted a more decentralised and flexible way of working, often headed by a convener.

Conclusion

Two conclusions are supported by this review of the cooperation between labour unions and human rights NGOs in Nigeria's democratisation struggle. The first is that studies of democratic transition could benefit from an engagement with actual political struggles, focusing on the transformatory character of the process of struggle even at the organisational level. Structures that shape inequality and disempowerment also contain within them the grains of resistance, of greater or lesser strength. In the course of struggle, forms of egalitarianism and participation can and do emerge (Harrison 2001:394).

Second, the Nigerian situation shows that if struggles for democratisation are accompanied by more specific struggles within the pro-democracy movement to democratise its own decision-making processes, this can mitigate otherwise hierarchically structured and asymmetrical patterns of exchange among members.

In this sense, liberal ideas and the principled demand for democratic processes for managing public affairs in the larger political system can be generated from within civil society itself (and especially within those organisations that focus exclusively on human rights and democracy), and in fact may lead to a movement for the expansion of internal democratic space. As such, democratic struggles promote the level of social capital when an array of organisations are forced by the exigencies of struggle to cooperate, network, and pool resources, because sooner or later, the marginalised within these organisations will begin to clamour for, and achieve, a voice that properly corresponds to their roles in taking forward the objectives of the organisation.

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Notes

- 1 After the attainment of full statehood in 1963, then Prime Minister Alhaji Tafawa Balewa called for a National Government that would have abolished official opposition in the federal legislature. Under the cabinet system of government that Nigeria was practising at the time, it also implied a move towards a one-party state. The labour movement mobilised other groups in society to oppose that move.
- 2 The government restructured the existing 41 industrial unions into 29; the decree (Decree no. 4 of 1996) providing legal backing to this action ousted the jurisdiction of law courts in matters relating to the restructuring. The decree redefined the conditions for union merger, and attempted to generate tension between appointed union officials and elected officers in order to create conflicts of authority within the labour movement. It also aimed to rob unions of the experience and skills of more permanent union staff at critical moments of negotiation.
- 3 The government relinquished direct management of the Nigeria Labour Congress (NLC) in 1998 as part of the transition process under General Abdulsalam Abubakar. Workers elected its current president and other executive officers. Since its re-democratisation, the NLC has been very visible in the public policy arena and has initiated a pro-democracy coalition, the Civil Society Pro-democracy Network, to push the democratisation process forward. This coalition seeks to promote civil society involvement in the political process through joint action and the formation of a political party. But the initiative has not been successful.
- 4 Prominent donors that have funded the human rights work in Nigeria include the Government of Denmark, the Canadian International Development Agency (CIDA), USAID, the Ford Foundation, and the Friedrich Ebert Foundation.

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