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WHAT SHOULD ORGANIZED HUMAN RIGHTS ACTIVISM IN AFRICA BECOME? CONTRIBUTORY INSIGHTS FROM A COMPARISON OF NGOS AND LABOR-LED MOVEMENTS IN NIGERIA

Obiora Chinedu Okafor*

What, if anything, might the significantly greater success of Labor-led human rights movements in Nigeria, as compared to the performance of the self-described human rights NGOs that also operate in that country, tell us about the ways to optimize organized human rights activism in Nigeria, and perhaps in the rest of the African continent? This is the central question that animates this article. After a review of the character of, and modes of struggle employed by, both kinds of human rights groups, the article argues that the important institutional and conceptual differences that exist between Labor and the NGOs explain in significant measure their differential performance at the task of exerting influence on the human rights character and behavior of state and society in Nigeria. It also suggests that since the more these human rights groups of different kinds have been constituted, organized and oriented in particular ways, the more they have been able to positively impact society and state in Nigeria, organized human rights activists in that country who are desirous of optimizing their impact will do well to take note of these proven paths to greater success. The article ends by suggesting that, given the tenor of existing work by other scholars, similarly situated human rights groups in other countries on the African continent might also do well to take this in-

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I. INTRODUCTION

The fact that the Nigerian labor movement (hereinafter “Labor”), a group long devoted to the human rights struggle, has exerted considerable influence on society and state in Nigeria, is well recognized in literature, and is no longer open to reasonable disputation. The avowedly pro-poor socio-economic rights struggle that Labor has waged in Nigeria has, on the whole, been as intensely popular as it has been highly effective. As my own extended research on this broad subject area has established, Labor has been highly successful (at the very least between 1999 and 2007) in helping persuade and/or pressure successive governments in Nigeria (ranging from the semi-democratic regimes of the last decade to multiple military juntas of earlier eras) to maintain massive annual subsidies on the pump price of motor vehicle fuel to the tune of hundreds of millions of US dollars. Labor’s rationale for waging this highly effective struggle was to ensure that the millions of Nigerians living below the poverty line have affordable vehicle fuel which, in Nigeria’s peculiar context, is an extraordinarily important economic factor. During the same period, Labor was able to persuade and/or force a ruling party-dominated federal legislature to alter important legislation in pro-labor ways and pass a number of resolutions.


supporting its anti-fuel price struggle. What is more, Labor has also been able to exert a highly significant amount of influence on the character of the “living” (as opposed to formal) law with regard to the legality of its anti-fuel price hike strikes and mass protests. Given the dogged determination of successive Nigerian governments and their economic overseers in the Breton Woods institutions to eliminate the contentious fuel subsidies,, in light of the outrage expressed by the relevant governments at Labor’s tendency to effectively obstruct the implementation of that policy,, and in view of the strident efforts made by nearly every one of the relevant governments to repress Labor, its attainments in the present connection are highly impressive, even extraordinary.

It is also an increasingly well-acknowledged fact that the self-professed human rights Non-Governmental Organizations (NGOs) which operate in Nigeria have (at least since 1987) exerted a significant measure of influence on society and the state. They have helped persuade and/or pressure significant alterations in executive thought and behavior; they have fostered pro-human rights changes in the content and tone of legislation; and they have helped shape the reasoning and actions of many Nigerian judges. Yet, significant as it is, the net impact that these NGOs have had

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4 See id. at 78-86; Okafor, Remarkable Returns, supra note 2.
8 See Okafor, Assessing Baxi’s Thesis, supra note 6, at 5-9.
9 This impressive record of achievement has generally reflected the similar accomplishments of some other labor movements elsewhere on the African continent. See JULIUS O. IHONvbere, ECONOMIC CRISIS, CIVIL SOCIETY AND DEMOCRATIZATION: THE CASE OF ZAMBIA 49-101 (1996); Lado, supra note 1, at 309.
within Nigeria has been relatively modest. They have not been able to achieve anything close to the decisive (or at least marked) influence on governance that a small number of other African human rights movements, such as South Africa’s African National Congress (ANC), or even Zambia’s Movement for Multi-Party Democracy, have been able to exert in their respective countries. More tellingly, they have been unable to foster the kind of deeply painful governmental rethinks and reversals that have tended to be the hallmark of Labor-led human rights struggles in Nigeria. Successive governments have consulted them much less often and seriously than Labor. More than ten years into Nigeria’s current democratic experiment, these NGOs still operate too far out on the margins of mass political power, commanding little of the kind of massive popular following that Labor has generally exhibited, and which has been Labor’s most important source of political leverage.

Thus, the considerable gap which now exists between Labor’s attainments and the impact of these NGOs (one that favors Labor) is so solid and now so well established that the more important question is no longer whether such a gap exists, but why it exists and what it can teach us about the ways to optimize the impact of human rights activism in Nigeria, and


13 For example, as noted earlier, Labor’s anti-fuel price hike struggle has forced most successive Nigerian governments to maintain massive subsidies on fuel prices.

14 For example, in an effort to prevent one Labor-led anti-fuel price hike mass protest, Aminu Bello Masari, who was at the time the fourth highest ranking official in Nigeria, “sought urgent audience” with Labor leaders, and pleaded with them to call off the protest, “promising [in return] to exact a concession from the presidency.” Nigeria Labour Congress, Report on the Fuel Strike 2003, available at http://www.nlcng.org/legislative/reportofthefuelstrike.htm. (last visited Apr. 20, 2010) (This report is undisputed. Yet, the government rarely, if ever, takes the NGOs this seriously.)

15 See Okafor, Legitimizing Human Rights, supra note 10, at 195-196; Odinkalu, supra note 11.
perhaps elsewhere in Africa. Why has Labor been significantly more influential than the NGOs in positively affecting the tone and direction of governmental policy? Could this be because of significant differences in their character? If so, how might the comparatively less successful NGOs adapt in order to optimize their influence within Nigeria? And what lessons might similarly situated NGOs in other parts of the African continent learn from this focus on the Nigerian experience? As importantly, what might the more successful Labor learn from the admittedly less rewarding experience of their NGO kin? In other words, what should organized human rights activism in Nigeria become? And what, if anything, might the answer to this last question tell us about what human rights activism in similarly situated African countries should become?

My own published work on NGOs in Nigeria has suggested that their sub-optimal (if still significant) performance at the task of influencing society and state in Nigeria appears to be linked to problems with the character of the institutional forms and conceptual orientation which dominate within that community. These features seem to have impeded quite significantly the capacity of NGOs to mobilize effectively. Otherwise, the millions of dispossessed and abused Nigerians would have constituted a ready pool of mass support for these groups. The features which are in issue here are their composition, gender sensitivity, structure, geo-political location, funding sources, community involvement, modes of struggle, and programmatic focus/orientation. What is more, similar (albeit not always entirely concurrent) findings on Nigerian and other African NGOs have been made by a host of other scholars.¹⁶

But since, as we have seen already, at least one other kind of human rights group, i.e. Labor, has (while tending to be constituted and oriented in a fairly different way) been considerably more successful at doing more or less the same job that NGOs in Nigeria have set out to do, namely the task of markedly shaping governmental thinking and action with regard to human rights issues. It is only sensible to investigate whether Labor’s greater effectiveness is owed to their generally different constitution and orientation. This inquiry will in turn enlighten us further as to the validity or otherwise of the suggested connection between the character of the institutional forms and conceptual orientation of most NGOs and their sub-optimal performance.

As such, the main objective of this article is to seek to understand the extent to which the afore-stated suggestion is valid, and its implications for how the effectiveness of human rights activism in Nigeria and perhaps elsewhere in Africa can be optimized. This will be done through comparing analytically the prevalent institutional form and conceptual orientation of the more successful Labor groups to the corresponding features of their less effective NGO counterparts. For, if Labor groups (constituted and oriented as they are) have been more successful at achieving fairly similar goals as their NGO counterparts (which tend to be constituted and oriented differently), then it is important to ask whether the disparity in their respective levels of attainment can be traced to differences in the ways in which they each tend to constitute themselves and conceptualize their human rights vocations. It is hoped that the result of this analytical exercise will also contribute to the broader effort to envision and fashion more contextually responsive (and therefore more effective) approaches to human rights activism on the African continent.

It must be acknowledged, however, that the immediate “generalizability” of the insight(s) of this article to the rest of the African continent is limited. For, although the evidence that is analyzed in this article is almost entirely sourced from Nigeria, the title of the article might betray what some may perceive as a Pan-African ambition. Yet, Africa is a vast continent, constituted by over fifty countries, some of which are individually larger than all of Western Europe. As such, what can a case study of just one of these countries possibly tell us about what human rights activism on the entire continent should become? Nevertheless, while the article does not immediately tell us all that much about what human rights activism in the whole of Africa should to become, it does offer a broad guideline and resource for further study and experiment in other African countries apart
from Nigeria. It places beacons that point in promising directions. It offers contributory insights that can provide a stronger basis for the construction over time of a more geographically general theory of human rights activism on the African continent. Happily, these insights can be assessed against already existing evidence about the broad character and effectiveness of human rights activism in other parts of the continent.17

In order to methodically pursue these goals, the article is organized into eight sections, including the introduction. Section two deals with the important preliminary issue of the comparability of the two relevant groups, i.e. Labor and the NGOs. In section three, the character of Labor is examined: its origins, institutional structure, membership/composition, geopolitical location, conceptual apparatus, gender sensitivity, modes of struggle, and funding are discussed in as much detail as space limitations permit. Section four offers an overview of the character of the NGOs, along the same lines as the discussion in section two. In section five, the main differences in the character of the two groups, i.e. the NGOs and Labor, are highlighted, so as to set the stage for the analysis in the following two sections. Section six is devoted to the important tasks of establishing the connections between certain aspects of the character of each group and its effectiveness. This section also teases out analytically the extent to which the differences in the constitution and orientation of the two groups help to explain the already observed inequality in their respective abilities to exert influence on society and state in Nigeria. In section seven, the lessons that each one of the two groups might learn from the way in which the other tends to be composed, organized, funded and conceptually oriented are articulated and fore-grounded, as a way of developing a set of recommendations which point toward the ways of significantly improving the performance of organized human rights activists in Nigeria, and perhaps elsewhere on the African continent. Section eight concludes the article by summarizing its main arguments.

II. ON THE COMPARABILITY OF THE TWO GROUPS

The nature and goal of the comparative analysis that is undertaken in this article raises important questions regarding the comparability of the two groups in issue, i.e. the NGOs and Labor. Can one validly compare NGO “oranges” to Labor “apples”? As H.P. Glenn has convincingly shown,

17 See Dicklitch, supra note 16; Ibawoh, supra note 16; Ndegwa, supra note 16; Welch, NGOs and Human Rights, supra note 16; Welch, Protecting Human Rights, supra note 16; Gathii and Nyamu, supra note 16; Ihonvbere, supra note 16; Kasfir, supra note 16; Mutua, supra note 16; Odinkalu, supra note 11.
although incommensurability does sometimes exist, comparison is possible in the context of a covering value.\textsuperscript{18} As he has correctly stated, it may not ordinarily be wise to compare apples and oranges, yet "oranges are better than apples with respect to preventing scurvy."\textsuperscript{19} In the present case, the covering value is the ability of each of the relevant groups to realize their common ambitions of influencing society and state in Nigeria. The question that is thus raised is why one of these groups has clearly been better at this job than the other? What is more, the two objects of comparison are eminently comparable because, despite the differing lengths of their developmental histories, they have both operated in virtually the same socio-legal environment, and suffered similar doses of state repression. Further, both groups are Nigerian, survived years of military rule; suffered similar kinds of political and legal restrictions; jointly endured Nigeria’s economic decline from the mid-1980s onwards; jointly fought to bring an end to military rule in Nigeria; and, clashed in similar ways with the milder but still semi-autocratic Obasanjo-led civilian government. Both groups have even actively partnered on occasion to prosecute human rights struggles.\textsuperscript{20} Another reason why the two groups are comparable is that they have both explicitly conceived of themselves, and functioned, as human rights movements. For one, the rights that Labor has traditionally advocated for (such as freedom of assembly, the right to an adequate standard of living, the right to social security, the right to organize/strike, and freedom of expression) are clearly contained or implied in key international human rights documents.\textsuperscript{21} And, what is more, like many of its sister organizations around the world,\textsuperscript{22} the Nigerian labor movement itself speaks explicitly, albeit only in


\textsuperscript{19} Id.

\textsuperscript{20} See, e.g., Okafor, Precarious Place, supra note 3, at 80.


\textsuperscript{22} Over the years, many labor movements, such as those in South Africa, Zambia and Zimbabwe have either led, or been strong partners in, the leadership of very visible human rights struggles of one sort or the other. See Dansereau, supra note 12, at 403; Ihonvbere, supra note 9, at 71-77; Pfister, supra note 12, at 57.
part, in “rights language.”

Indeed, on a broad level, one would be very hard put to distinguish between the human rights goals expressed in the Constitution of the key umbrella labor group in Nigeria and the institutional objectives of most NGOs.

However, in spite of the existence of a number of good reasons for comparing Nigerian Labor to their NGO counterparts, a skeptic may still raise a number of objections against such an exercise. First, the skeptic may argue that Labor enjoys a lengthy institutional history in Nigeria that dates back well into the pre-1960 era, and that this long political experience that has – so to speak – accompanied it into its present, renders unfair and misleading a comparison between Labor and the NGOs (who are said to be in their infancy). Thus, the way in which Labor is currently constituted and its present outlook can be said to reflect its many decades of experience. This argument would not be without its merits. Yet, it would be quite mistaken to treat the NGOs as if the history of organized human rights activism in Nigeria (of the non-Labor kind) merely dates back to the late 1980s, when the first Western-style self-professed NGO group was inaugurated in the country. Self-professed NGOs are but one specie of (non-Labor) organized human rights activism, and such groups have a far longer, broader, and richer history in Nigeria than that, dating back to the same colonial era in which the ancestors of the current Labor groups were first formed. As such, the real question here is not whether the Labor and NGO groups which currently operate in Nigeria are as old as each other, but rather the extent to which both of them have chosen to identify with and learn from their respective local ancestors.

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23 E.g., Constitution of the Nigeria Labour Congress, Art. 3 (2000) [hereinafter NLC Constitution] (on file with author) (a document subscribed to by twenty-nine unions, states that the mandate of the union is “to protect, defend and promote the rights, well-being and the interests of all workers” through attaining the objectives of promoting and defending “the rights, well being and interests of workers in the work-place and society” and “the rights . . . of pensioners.” In addition, it states in the same provision that a major goal of the NLC is “to promote and defend trade union and human rights, the rule of law and democratic governance.”) (emphasis added).

24 I am grateful to the anonymous reviewer of the proposal to undertake the research on which this article is based and for helping to concentrate my mind on this alternative argument.


It would also be a mistake to treat currently existing Labor as a mere institutional extension of the labor groups which operated in Nigeria in the pre-1960 period, devoid of agency. Although shaped by the historical experience of earlier eras of labor activism in Nigeria, today's Labor is, needless to say, relatively autonomous from its forbears. Like their NGO counterparts, they had a meaningful choice whether or not to identify with and learn from this indigenous ancestry. In any case, to utilize an analogy from world politics, are not far more established countries often compared to their much younger counterparts? Are such comparisons always invalid? Of course not, for it all depends on the relevant covering value. For example, it would be ridiculous for any country to argue today that it should not be compared to more established counterparts on the issue of whether or not it commits genocide. As such, for the reasons offered already, a skeptic's understandable concern as to the fairness of comparing the more experienced Labor groups to the less experienced NGOs is not in this case nearly as weighty as it might at first appear.

It may also be argued that such a comparison is unfair because, "by nature," Labor enjoys a nationwide membership and possesses the strike weapon, features that NGOs tend to grossly lack. First, there is nothing natural about Labor's cultivation and enjoyment of a nationwide membership. This feature was a product of a particular kind of conceptual orientation and a determined effort on the part of Labor. Its leadership chose to organize in this way. It could have been organized differently, had they made different choices. The recent efforts of the now defunct Obasanjo regime to break up Labor's united national front, and Labor's sustained struggle against those designs, are proof of this point. In any case, nothing prevents the NGOs from also choosing to cultivate and enjoy such a national membership base. After all, one NGO, the Civil Liberties Organization (CLO), has already taken great strides in that direction. Therefore, this is not a good reason to avoid a comparison between Labor and their NGO counterparts.

Second, although it is true that Labor enjoys the so-called strike weapon, the possession of that weapon, on its own, is insufficient to make a labor group effective. Moreover, the main umbrella labor grouping in Nigeria has tended to prosecute mass actions as opposed to traditional strikes. Clearly, the mass action weapon is entirely available to the NGOs as well, should they choose to deploy that mode of struggle. Have a number of the

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27 Here again, I acknowledge my debt to the reviewer of the research proposal for helping to concentrate my mind on this issue.
28 Okafor, Precarious Place, supra note 3, at 84-86.
29 Okafor, Legitimizing, supra note 10, at 52-54.
NGOs, such as the Movement for the Survival of the Ogoni People (MOSOP) and the CLO not utilized this strategy on occasion? As such, the argument that it would be unfair to compare NGOs to Labor because the latter possesses the strike weapon is unconvincing.

III. THE CHARACTER OF THE NIGERIAN LABOR MOVEMENT

In this section, a fairly detailed examination of the character of Labor is undertaken. This kind of detailed discussion of Labor’s institutional form and conceptual orientation is imperative in order to provide a sufficient evidentiary basis for the enquiry (in later sections of this article) into the possible linkage between the character of Labor and that group’s demonstrated ability to exert a considerable degree of influence on society and state in Nigeria. The character of the Nigeria Labour Congress (NLC) and nine of its twenty-nine affiliated unions are examined here as a representative sample of Labor groups in Nigeria.

A. Origins

The pedigree of both labor unionism and Labor-led broad social activism in Nigeria is a long and solid one, dating back well before Nigeria’s independence in 1960, an epoch in which several unions participated very actively and prominently in Nigeria’s anti-colonial struggle. Although one commentator dates the formation of the first unions to the 1940s, others have suggested that it nearly dates back to the very beginnings of wage labor in the country.

However, the origins of the particular labor organizations that currently dot Nigeria’s social landscape are more recent. Almost all of them originated, in their present forms, in the period between 1977 and 1978, when the over one thousand existing labor unions were restructured into only forty-two. Also, the four separate central labor organizations that existed at the time were unified under a single tent through the creation of the NLC. This dating of the current iteration of labor unionism in Nigeria to

30 Id. at 85-86.
32 See id.; Interview with Informant 10, Abuja, Nig. (July 18, 2005).
33 See Lado, supra note 11, at 299.
the late 1970s is easily illustrated by specific reference to the origins of the NLC and a representative sample of its affiliated unions. The umbrella NLC was formally launched in 1978, the National Union of Petroleum and Gas Workers (NUPENG) in 1977, the National Union of Railwaymen (NUR) in 1978, the National Union of Hotels and Personal Services Employees (NUHPSE) in 1978, the National Union of Banking, Insurance and Financial Institution Employees (NUBIFE) in 1978, the National Union of Electricity Employees (NUEE) in 1978, the National Union of Shop and Distribution Employees (NUSDE), the National Union of Road Transport Workers (NURTW) in 1978, and the Nigerian Union of Journalists (NUJ) emerged in 1977/78 as well, although it was first established in 1955. The union which enjoys the longest pedigree in Nigeria, in terms of the date on which its ancestor was formed, is the Nigerian Civil Service Union (NCSU), which was re-configured and re-registered in its present form during the same 1977 to 1978 period.

B. Institutional Structure

Although under the post-2005 labor law regime, there can be as many central labor organizations as meet the registration requirements, and in spite of the fact that the Trade Union Congress (TUC) currently exists as a central labor organization of senior staff associations, the NLC is de
facto still the main central organization or confederation of labor unions in Nigeria. Apart from being divided into thirty-seven councils, the NLC is organized into the following organs: Congress-in-session (which is its National Delegates Conference), the National Executive Council (NEC), the Central Working Committee (CWC), and, the National Administrative Council (NAC). The NAC is composed of all the elected officers of the NLC, the appointed General Secretary of the organization, her/his deputies, and all the heads of the various departments of the NLC. The CWC is composed of all NAC members, and the presidents and general secretaries of all of the NLC’s affiliated unions. The NEC is composed of CWC members and the chairs and secretaries of the NLC’s thirty-seven state councils. And Congress-in-session, which meets once in four years, is composed of all NEC members and delegates elected by all the affiliate unions.

Although the day-to-day management of the NLC is led by its President and the responsibility of its elected leadership, major management decisions are formulated by the NAC, implemented by the CWC, and certified by the NEC. Congress-in-session, the NLC’s supreme organ, takes all broad policy decisions and can overrule other NLC organs. Congress-in-session’s decisions are thus binding and final. However, because Congress-in-session meets infrequently, urgent major decisions such as the declaration of the commencement or end of a strike or mass action can be taken by NEC, which is largely composed of the duly elected leadership of the NLC and its affiliated unions.

The institutional structure of the unions which are sampled here (NUPENG, the NUR, NUPSE, NUBIFE, the NUEE, the NUSDE, the NURTW, the NCSU, and the NUJ) tend to follow the same largely democratic and inclusive pattern, vesting ultimate power in an elected National

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48 NLC Constitution, supra note 23; Interview with Informant 1, Abuja, Nig. (July 19, 2004).
49 NLC Constitution, supra note 23, at art. 12.
50 Id. at art. 9.
51 Id. at art. 8.
52 Id. at art. 7.
53 Interview with Informant 1, Abuja, Nig. (July 19, 2004).
54 Id.
55 Id.
56 Id.
57 Id.
Delegates Conference, intermediate power in NECs and CWCs, and day-to-day leadership in a group of elected officials, assisted by a professional secretariat. They also tend to have a national headquarters in either Lagos (Nigeria’s economic capital), or Abuja (its administrative capital), and a fairly national spread.\textsuperscript{58}

C. Membership

As a central labor organization, the NLC is composed of twenty-nine affiliated unions, nine of which are examined here. These unions together command approximately four million worker-members.\textsuperscript{59} Each of its constituent unions is itself a membership organization composed of thousands of workers who participate in the union and elect its leadership.

Membership in NUPENG is open to all non-senior staff oil and gas workers in Nigeria, including those who work in the informal sector of the economy.\textsuperscript{60} Although NUPENG enjoys a substantial membership base, the size of its membership rolls ebb and flow with the fortunes of the petroleum industry, its state of automation, and the prevalence of casual employment within the junior ranks of the oil industry. NUPENG currently has an estimated total membership of seven thousand.\textsuperscript{61}

NLC’s other constituent unions (as epitomized by the NUR, NUHPSE, NUBIFE, the NUEE, the NUSDE, the NURTW, the NCSU, and the NUJ) are also large membership organizations that are open to all junior (or other eligible) workers within the particular sectors of the economy where these unions are operational.\textsuperscript{62}

\textsuperscript{58} Interview with Informant 3, Lagos, Nig. (July 25 2005); Interview with Informant 4, Lagos, Nig. (July 25, 2005); Interview with Informant 5, Lagos, Nig. (July 26, 2005); Interview with Informant 6, Lagos, Nig. (July 26, 2005); Interview with Informant 7, Lagos, Nig. (July 26, 2005); Interview with Informant 8, Lagos, Nig. (July 25, 2005); Interview with Informant 9, Abuja, Nig. (July 19, 2005); Interview with Informant 10, Abuja, Nig. (July 18, 2005); Interview with Informant 11, Abuja, Nig. (July 18, 2005).

\textsuperscript{59} Interview with Informant 1, in Abuja, Nig. (July 19, 2004).

\textsuperscript{60} Interview with Informant 3, in Lagos, Nig. (July 25, 2005).


\textsuperscript{62} Interview with Informant 4, in Lagos, Nig. (July 26, 2005); Interview with Informant 5, in Lagos, Nig (July 26, 2005); Interview with Informant 6, in Lagos, Nig. (July 26, 2005); Interview with Informant 7, in Lagos, Nig. (July 26, 2005); Interview with Informant 8, in Lagos, Nig. (July 25, 2006); Interview with Informant 9, in Abuja, Nig. (July 19, 2005); Interview with Informant 10, in Abuja,
D. Geo-Political Location

As mandated by Article 2 of its Constitution, the NLC’s headquarters is located in Abuja, the federal capital territory. More importantly, it has long established thirty-seven fully functional councils in all the thirty-six states of Nigeria and in Abuja. Its top leadership has tended to be composed of a mix of both Northerners and Southerners. This has made the NLC a truly national organization both in its reach and grasp.

For its part, although headquartered in Lagos, NUPENG has zonal offices in most of the geo-political regions of Nigeria. It has also established branch offices in virtually all of the companies in which it has members. Although its membership tends to be spread (however unevenly) across the country, NUPENG is still somewhat strongest in the Southern parts of Nigeria, where most of the oil companies largely operate, and from which the vast majority of its top leaders have hailed.

Although the NUR’s membership is “spread nationally and [is] fairly evenly distributed,” the Northern location of four of the NUR’s seven district councils reflects the relative weighting of its membership strength in favor of the Northern parts of Nigeria (mirroring perhaps the concentration in a similar ratio of the operations of the employer of this union’s members in that part of Nigeria).

The other sampled unions are all, more or less, as nationally spread and oriented as the NLC. This applies to the NUHPSE, which has sub-units in all the thirty six states and Abuja, and has attracted members from all over the country; NUBIFE, which has “locals” or units in nearly every branch office of the country’s banks and financial institutions, and was formed by a diverse group of unionists from all over Nigeria, with members in every state in the country; the NUEE, which has separate and dedicated state councils in every state of the federation except in Plateau/Nassarawa and Rivers/Bayelsa where each couple of states operates under one state council; the NUSDE, which has eighteen branches spread all over Nigeria,

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63 Interview with Informant 1, in Abuja, Nig. (July 19, 2004).
64 Interview with Informant 3, in Lagos, Nig. (July 25, 2004).
65 Id.
66 Id.
67 Interview with Informant 4, in Lagos, Nig. (July 26, 2005)
68 Interview with Informant 5, in Lagos, Nig. (July 26, 2005).
69 Interview with Informant 6, in Lagos, Nig. (July 26, 2005).
70 Interview with Informant 7, in Lagos, Nig. (July 26, 2005).
but whose membership tends to be concentrated in the Lagos area, hence the three branches located in that area alone; the NURTW, which has offices in virtually all of the local government areas in the country, councils in all the states as well as Abuja, and zonal councils in all Nigeria’s six geopolitical zones; the NCSU, which has branches in all of Nigeria’s states and Abuja, and local units within virtually all state ministries; and the NUJ, which also has branches in every state in the country and Abuja.

E. Conceptual Apparatus

The NLC and its constituent unions have tended to utilize both “welfare” as well as “rights” language, exhibit a deep and well-rounded pro-poor orientation, and center the struggle to realize the economic and social rights of Nigeria’s underclass. Each of these points will now be further developed. First, although the NLC and its constituent unions utilize the “welfare of workers” language more than they speak in the dialect of “rights,” the fact that these labor organizations have in practice functioned as human rights organizations is not at all in doubt and has been established earlier in this article.

Second, Labor has emphasized both economic and social rights as well as civil and political rights. Labor has not pursued the realization of one of these categories of rights to the exclusion of the other. Although the rapt attention that the NLC and its affiliates have paid to economic and social rights is partly the natural result of their very identity as labor groups, this attitude is also a logical consequence of their remarkably deep connection to, and “ownership” by, a substantial segment of Nigeria’s relatively impoverished majority poor population. It is therefore not surprising that “[t]he NLC sees its struggle to keep fuel prices down as part of its core mandate of defending the living standards and rights of workers in Nigeria because fuel prices affect the price of all the goods that workers buy.”

Third, as evident from the above quotation, is Labor’s strong anti-poverty commitment. This pro-poor outlook is also clearly evident from other articulations of the umbrella NLC’s self-image. For instance, one of its key self-profile documents states that “today, [the] NLC is widely seen

71 Interview with Informant 8, in Lagos, Nig. (July 25, 2005).
72 Interview with Informant 9, in Abuja, Nig. (July 19, 2005).
73 Interview with Informant 10, in Abuja, Nig. (July 18, 2005).
74 Constitution of the Nigeria Union of Journalists, art. 5 (2000) (on file with the author); Interview with Informant 10, in Abuja, Nig. (July 18, 2005).
75 See generally Okafor, Precarious Place, supra note 3.
76 Interview with Informant 1, in Abuja, Nig. (July 19, 2004).
as the voice of the oppressed people . . .”77 That document also describes
one plank of the immediate agenda of the NLC as the struggle to “unite the
common people around a socially redemptive agenda.”78 Thus, the concep-
tual apparatus of the NLC and its constituent unions has been clearly pro-
poor in orientation. This is a key point to make here because, as
Balakrishnan Rajagopal has recently shown, the fact that an institution is
pro-human rights does not necessarily mean that it is pro-poor.79

It is also important to note that Labor’s sustained struggle during
the last decade against the sharp and highly unpopular motor vehicle fuel
price hikes that were imposed by the Obasanjo-led regime, was the prin-
cipal element of their pro-poor socio-economic rights activism in Nigeria.80
For example, in the first five years of the Obasanjo administration, fuel
prices nearly tripled, while average incomes remained stagnant at best.
Needless to say, this sharply denuded the already poor living standards of
the vast majority of Nigerians. Further, sharp increases in fuel prices during
the later part of the last decade only compounded this grave socio-economic
situation.81 This is the chief reason why, pro-poor as they are, the NLC and
its affiliates zeroed in on the anti-fuel price hike struggle as a practical way
of effectively defending the economic and social rights of ordinary
Nigerians.

In sum, Labor’s dominant conceptual apparatus has been suffi-
ciently rights-conscious, sensitive to economic and social rights, and fo-
cused on the biting poverty that afflicts the Nigerian underclass.

F. Gender

While the proportion of women to men varies from union to union,
there are on average about three women to every five men within the mem-
bership ranks of the NLC’s constituent unions.82 The level of women’s ac-
tive participation, both within these unions and at the level of the umbrella
NLC, is relatively low83 and despite increasing efforts to correct this imbal-

78 Id.
79 See Balakrishnan Rajagopal, Pro-Human Rights and Anti-Poor? A Critical
Evaluation of the Indian Supreme Court from a Social Movement Perspective, 8
80 See Okafor, Precarious Place, supra note 3, at 79-80.
81 See, e.g., Onyebuchi Ezigbo, et.al., FG, Labour Meet Friday Over Fuel Price,
?id=80821.
82 Interview with Informant 2, in Abuja, Nig. (July 20, 2004).
83 Id.
ance, the leadership structure of the NLC is still male dominated.\textsuperscript{84} This is also the case in those constituent unions that are overwhelmingly female in the gender of their membership.\textsuperscript{85}

Under pressure from female labor activists and worried by the current situation, the NLC and its component unions have admitted the need to work hard to “deconstruct the patriarchal values and modes of work, which evolved with the trade union movement.”\textsuperscript{86} Although the labor movement is still male dominated, it now appears to be more committed to the advancement of the status of women. As an expression of this commitment, the NLC has taken a number of noteworthy conceptual, institutional, and activist steps. In the conceptual realm, it is noteworthy that the NLC has adopted a Gender Equity Policy.\textsuperscript{87} The adoption of this policy was followed in short order by the organization of a National Gender Conference in September 2003, which thoroughly assessed the status of women within the labor movement and made important suggestions for its improvement.\textsuperscript{88} This was followed by the Program of Action of the National Women’s Commission which made important concrete recommendations for advancing the status of women within Labor.\textsuperscript{89} More importantly, the NLC has also adopted a motion which “called for the incorporation of a strong gender perspective in NLC and [constituent] union constitutions as well as a policy of affirmative action for women to be represented in all relevant organs.”\textsuperscript{90}

In the institutional realm, the NLC has recently established an elected National Women’s Commission (NWC).\textsuperscript{91} It has also set up women’s committees both within NLC state councils and as part of its constituent unions.\textsuperscript{92} The Chair of NWC enjoys the status of Vice President within

\textsuperscript{84} Id.
\textsuperscript{85} Id.
\textsuperscript{89} See GEP Publication, supra note 87.
\textsuperscript{90} Id. at 3.
\textsuperscript{91} Interview with Informant 1, Abuja, Nig. (July 19, 2004).
\textsuperscript{92} Id.
the NLC itself (and has sometimes acted as NLC President in the absence of the current occupant of the latter office). As importantly, the chairs and secretaries of state women’s committees are now *ex officio* members of the state administrative councils of the NLC. Only the women members of the component unions of the NLC participate in the election of the members of the NWC. The NLC has also established a gender desk within its headquarters and adopted a motion, sponsored by a number of its constituent unions, “to ensure that they [i.e. the NLC and all of its constituent unions] meet the 30% [target for the] representation of women in all leadership structures as stated in the ‘NLC Gender Equity Policy’.”

On the implementation side, the NLC has made meaningful efforts to mobilize women to participate more actively in the affairs of Labor, especially by becoming members and holding elective office within their unions and the NLC. The NLC also tends to insist that its affiliated unions send gender-balanced teams to most of its programs. It also strives to provide child care during such activities in order to encourage the attendance of those women whose child care responsibilities would have prevented them from attending the relevant events.

Given the relative youth of this on-going gender reform effort within Labor, the longer history of women’s struggle for equality within the ranks of the NLC and its affiliates must not be pushed to the distant horizon. It must be remembered that, although the conscious efforts of the NLC to elevate the status of women within its ranks dates back to the early 1980s (when the NLC’s “women’s wings” were formed), the history of women’s agitation for gender equity within Labor, long antedates that period.

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93 See GEP Publication, *supra* note 87; Interview with Informant 2, Abuja, Nig. (July 20, 2004).
95 Interview with Informant 1, Abuja, Nig. (July 19, 2004).
96 *Id.*
97 GEP Publication, *supra* note 87, at 3.
98 Interview with Informant 2, in Abuja, Nig. (July 29, 2004).
99 *Id.*
100 *Id.*
101 For example, the NLC established national and state “women’s wings” in the 1980s (soon after its formation in its present form). Interview with Informant 1, in Abuja, Nig. (July 19, 2004); Interview with Informant 2, in Abuja, Nig. (July 20, 2004).
102 Interview with Informant 1, in Abuja, Nig. (July 19, 2004); Interview with Informant 2, in Abuja, Nig. (July 20, 2004).
G. Modes of Struggle

The main mode of struggle that the NLC and its constituent unions have adopted either separately or in concert has been mass mobilization/action (whether or not grounded in strikes). Although the NLC has tended to label as “strikes” almost all of its efforts to mobilize Nigeria’s majority underclass to pressure the government to reverse fuel price hikes, these struggles were really mass actions that effectively mobilized hundreds of thousands (if not millions) of Nigerians. In nearly every such case, the NLC was popularly acknowledged as “the voice of the oppressed [Nigerian] people.” As a result, it was able to effectively mobilize huge numbers of ordinary Nigerians to participate in an open demonstration of their frustrations with a particular Government policy. Such demonstrations often took the form of stay-at-home “strikes” (that were hardly, if ever, limited to union members), massive street demonstrations, and/or mass rallies. The goal in each case was to persuade and/or pressure the relevant government into backing down from its expressed policy position(s).

As importantly, the NLC’s affiliate unions (such as NUPENG, the NUR, the NUHPE, NUBIFED, the NUEE, the NUSDE, the NURTW, the NCSU, and the NUJ) tend to participate actively and enthusiastically in such mass action campaigns, but do so mostly under the aegis of the NLC. However, a

103 Interview with Informant 1, in Abuja, Nig. (July 19, 2004); Interview with Informant 3, in Lagos, Nig. (July 25, 2005); Interview with Informant 4, in Lagos, Nig. (July 26, 2005); Interview with Informant 5, in Lagos, Nig. (July 26, 2005); Interview with Informant 6, in Lagos, Nig. (July 26, 2005).
106 See Komolafe et al., supra note 107.
107 See Okafor, Precarious Place, supra note 3, at 81-82.
111 See Ifeanyi Onyeonoru and Femi Aborisade, The Remote Causes of the Oil Workers’ Strike in Nigeria, 26 AFR. DEV. 43, 45-46 (2001). See also Interview with Informant 1, in Abuja, Nig. (July 26, 2005); Interview with Informant 3, Lagos, Nig. (July 25, 2005); Interview with Informant 4, in Lagos, Nig. (July 26, 2005);
few affiliate unions, such as NUPENG, have on occasion led their own mass struggles.\textsuperscript{112}

Other ways in which the NLC struggles to attain its human rights goals include negotiations with the Government, lobbying the legislature, and approaching the legal system. Negotiations with the executive and legislative branches of the Nigerian government are a mode of struggle that the NLC has utilized quite often. For instance, in pursuit of its goal of defending serious socio-economic rights violations of the poor majority, which have often stemmed from sharp fuel price hikes that successive governments have implemented in Nigeria, the NLC has negotiated with the executive branch before, during, and after, almost all of its anti-fuel price hike mass actions.\textsuperscript{113} Lobbying the legislature has also been another way for the NLC to pile pressure on the executive branch, and influence the content of specific legislation. For example, the NLC was able to lobby and pressure the legislature effectively enough to achieve passage of resolutions supporting the NLC’s anti-fuel price hike stance.\textsuperscript{114} It was also successful in lobbying the legislature to tone down considerably an anti-labor Bill, which the defunct Obasanjo administration had presented.\textsuperscript{115} Although it has not utilized the legal system as much as it has lobbied the legislature, defending law suits that have been filed by the government, seeking court orders barring a Labor-led coalition from launching anti-fuel price hike strikes and/or mass actions, are other ways in which the NLC has pursued its human

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Interview with Informant 5, in Lagos, Nig. (July, 26 2005); Interview with Informant 6, in Lagos, Nig. (July 26, 2005); Interview with Informant 7, in Lagos, Nig. (July 26, 2005); Interview with Informant 8, in Lagos, Nig. (July 25, 2005); Interview with Informant 9, in Abuja, Nig. (July 19, 2005); Interview with Informant 11, in Abuja, Nig. (July 18, 2005).

\textsuperscript{112} See Onyeonoru and Aborisade, \textit{supra} note 111.

\textsuperscript{113} See Okafor, \textit{Precarious Place}, \textit{supra} note 3, at 80.


\textsuperscript{115} See Amendment Act, \textit{supra} note 48; see also Report, Senate Committee on Employment, Labor and Productivity, Regarding the Bill for an Act to Amend the Trade Unions Act as Amended and for Matters Connected Therewith, (Aug. 31, 2004) (on file with author).
\end{flushleft}
rights goals. Labor has defended at least four such suits over the last decade.\textsuperscript{[116]}

The NLC and its constituent unions have also formed local alliances as a way of leveraging the solidarity of other civil society groups, in order to present a more formidable show of mass support for their position to the government or augment their in-house financial/human resources. Although some labor unions, such as the Academic Staff Union of Nigerian Universities (ASUU), cannot by law become NLC affiliates, they still express solidarity with the NLC and its calls for mass action.\textsuperscript{[117]} Additionally, the NLC has for a very long time expanded its socio-political power base by cooperating closely with other kinds of civil society groups, such as the NGOs. More innovatively, it has recently begun to deepen and expand its social base even further by seeking to organize the informal sector in what it has itself termed a “movement building mission” that is designed “[a]s part of boosting the movement’s capacity and extending union coverage to a wider segment of society.”\textsuperscript{[118]} To this end, the NLC in particular has built dense networks with market women’s organizations, artisan groups, and groups of so-called Okada (i.e. motorbike taxi) riders.\textsuperscript{[119]} With a few notable exceptions, such as NUPENG, the unions which make up the NLC do not devote much effort of their own to networking with other kinds of civil society groups, preferring to rely on the NLC to coordinate Labor’s engagement with these groups.\textsuperscript{[120]}

The NLC and its constituent unions also network and cooperate with foreign and international organizations such as the OXFAM (a federation working to find lasting solutions to poverty and injustice).\textsuperscript{[121]}


\textsuperscript{[118]} Interview with Informant 1, in Abuja, Nig. (July 19, 2004).

\textsuperscript{[119]} Interview with Informant 1, Abuja, Nig. (July 19, 2004).

\textsuperscript{[120]} Interview with Informant 4, Lagos, Nig. (July 16, 2005); Interview with Informant 5, Lagos, Nig. (July 26, 2005).

\textsuperscript{[121]} See Third National Gender Conference Report supra note 88 (discussing the International Women’s Day Celebration).
American Centre for International Labor Solidarity (ACILS),\textsuperscript{122} the Commonwealth Trade Union Council (CTUC), the International Confederation of Free Trade Unions (ICFTU), as well as with inter-African trade unions groups such as the Organization of African Trade Union Unity (OATUU) and the Organization of Trade Unions in West Africa (OTUWA).\textsuperscript{123}

\textit{H. Funding}

Almost all of the financial resources of the NLC and its constituent unions are now locally generated. The NLC is funded through the remittance to its coffers of ten percent of the so-called check-off dues (membership fees) collected by each of its constituent unions.\textsuperscript{124} These check-off dues are automatically deducted at the point of payment from the salaries of unionized workers.\textsuperscript{125} Thereafter, the relevant union receives a check for the total amount of the dues and itself remits ten percent of its total collection to the NLC.\textsuperscript{126} Significantly there has been little, if any, resistance by the rank and file membership of the unions to their payment of these dues. While a senior official of the NLC claims that the organization does not raise money locally through other means, the overall evidence contradicts this position slightly.\textsuperscript{127} For instance, the NLC does own its high-rise headquarters building in Abuja and leases out parts of the building to tenants.

The NLC’s constituent unions also collect check-off dues and occasional levies from their members. All of these unions are funded almost entirely by their members, through the collection of monthly check off dues. This applies to NUPENG,\textsuperscript{128} the NUR,\textsuperscript{129} NUHPSE, NUBIFE, the NUEE, the NUSDE, the NURTW, the NCSU, and the NUJ.\textsuperscript{130} Some of them, such as the NUEE and the NUJ, derive significant income from busi-

\textsuperscript{122} Id.
\textsuperscript{124} Interview with Informant 1, Abuja, Nig. (July 19, 2004)
\textsuperscript{125} Id.
\textsuperscript{126} Id.
\textsuperscript{127} Id.
\textsuperscript{128} Interview with Informant 3, Lagos, Nig. (July 25, 2005).
\textsuperscript{129} Interview with Informant 4, Lagos, Nig. (July 26, 2005).
\textsuperscript{130} Interview with Informant 5, Lagos, Nig. (July 26, 2005); Interview with Informant 6, Lagos, Nig. (July 26, 2005); Interview with Informant 7, Lagos, Nig. (July 26, 2005); Interview with Informant 8, Lagos, Nig. (July 25, 2005); Interview with Informant 9, Abuja, Nig. (July 19, 2005); Interview with Informant 10, Abuja, Nig. (July 18, 2005); Interview with Informant 11, Abuja, Nig. (July 18, 2005).
ness investments, including the acquisition and management of real estate, hotel and guesthouse assets.\textsuperscript{131}

Labor's record of considerable financial independence is largely responsible for the low proportion of their finances which are sourced from outside Nigeria. Indeed, this portion of their funding pie chart is so thin that a senior official of one of the unions declared that, "we don't have foreign funders."\textsuperscript{132} While this may be relatively true, and is perhaps reflective of the source of this particular union's core operational budget, it is not absolutely correct in all senses. For instance, the June 2001 printing cycle of the NLC Constitution was aided by two European donors.\textsuperscript{133} Additionally, its monitoring of the 2003 general elections was supported by a number of foreign and international groups.\textsuperscript{134} While it is not clear whether these foreign groups actually handed over funds to the NLC's Labor Election Monitoring Team (LEMT), it is clear that the foreign groups themselves must have expended funds (at least on their own staff) in their own efforts to assist the NLC. However, one thing is also clear, the NLC does receive non-monetary technical assistance from sister labor organizations and other sources abroad.\textsuperscript{135} As such, while the NLC is virtually self-funded, it has not absolutely abhorred such financial assistance. Some of the NLC's constituent unions also seek and receive donations from various local and foreign sources.\textsuperscript{136} But, as in the case of the NLC, these donations tend to constitute a relatively small proportion of their overall funding profile.\textsuperscript{137}

\textsuperscript{131} Interview with Informant 7, Lagos, Nig. (July 26, 2005); Interview with Informant 11, Abuja, Nig. (July 18, 2005).

\textsuperscript{132} Interview with Informant 7, Lagos, Nig. (July 26, 2005); Interview with Informant 11, Abuja, Nig. (July 18, 2005).

\textsuperscript{133} NLC Constitution, \textit{supra} note 23, at 62.


\textsuperscript{135} Interview with Informant 1, Abuja, Nig. (July 19, 2004)

\textsuperscript{136} Interview with Informant 3, Lagos, Nig. (July 25, 2005); Interview with Informant 4, Lagos, Nig. (July 26, 2005); Interview with Informant 5, Lagos, Nig. (July 26, 2005); Interview with Informant 6, Lagos, Nig. (July 26, 2005); Interview with Informant 7, Lagos, Nig. (July 26, 2005); Interview with Informant 8, Lagos, Nig. (July 25, 2005); Interview with Informant 9, Abuja, Nig. (July 19, 2005); Interview with Informant 10, Abuja, Nig. (July 18, 2005); Interview with Informant 11, Abuja, Nig. (July 18, 2005).

\textsuperscript{137} Interview with Informant 3, Lagos, Nig. (July 25, 2005); Interview with Informant 4, Lagos, Nig. (July 26, 2005); Interview with Informant 5, Lagos, Nig. (July 26, 2005); Interview with Informant 6, Lagos, Nig. (July 26, 2005); Interview with Informant 7, Lagos, Nig. (July 26, 2005); Interview with Informant 8, Lagos,
I. Overall Assessment

A précis of the institutional and conceptual character of the Nigerian labor movement (i.e. Labor) is in order at this juncture. First, although Labor (epitomized here by the NLC and its affiliates) enjoys a long and solid pedigree dating back to Nigeria’s colonial era, the particular labor unions with which this article is concerned were mostly established in their current forms and styles in the late 1970s. However, its long pedigree is not as significant as the fact that the contemporary Labor has located itself within this long tradition of activism, and has chosen to drink deeply from that wellspring of wisdom. Second, Labor is entirely constituted by membership organizations, and enjoys a large membership base drawn from the ranks of ordinary Nigerians. Third, most of the unions within Labor have a fairly national spread, while many have branches in all the states of the Nigerian Federation. In any case, Labor’s main umbrella association, the NLC, is a truly national organization. Fourth, Labor’s internal structure is, in large measure, deeply democratic, with day-to-day management entrusted to an elected leadership and ultimate control vested in a voting membership. Fifth, Labor is almost sufficiently self-funded, and largely avoids foreign financial backing. Sixth, although Labor is still male-dominated, it has made great (if still insufficient) strides to empower women members and become more gender-sensitive. Seventh, Labor’s conceptual orientation is both pro-human rights and pro-poor (this distinction being necessary because the two tendencies do not always coincide). And this pro-poor mindset has led Labor to undertake and sustain its practical struggle for the realization of the socio-economic rights of underclass Nigerians. Eighth, although Labor does negotiate with the executive branch of government, lobby the legislature, and defend law suits filed by the government against it, it tends to rely quite heavily on the mass mobilization and action strategy as its main mode of struggle. Labor can therefore be viewed as a mass social movement. For, as is fairly well established, a mass social movement is one that embodies the actual struggles of ordinary people, and threatens or deploys mass mobilization and action as a principal mode of struggle, and as a means to attaining its objectives.

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138 See generally Rajagopal, supra note 79.
139 See BALAKRISHNAN RAJAGOPAL, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE, 253 (2003)
VI. THE CHARACTER OF THE NGOs

The preceding section discussed the character of Labor in Nigeria. This was a preliminary step toward comparing Labor's institutional form and conceptual orientation to the equivalent features of its NGO counterparts; a comparison that is ultimately aimed at understanding the reasons for the relatively greater success of Labor at influencing society and state in Nigeria, as compared to the NGOs. However, no meaningful comparison of the two groups can proceed without a discussion of the character of the NGOs to which Labor is to be compared. The goal of this section is to offer such a discussion.

Although the origins of the NGOs which currently operate in Nigeria date back to the mid-1980s or so, the history of relatively organized human rights activism in that country dates back to the colonial era. Nevertheless, the contemporary NGOs have almost all failed to claim this inheritance and do not locate themselves adequately within this long tradition. Rather, they have rooted themselves far more deeply in the institutional and conceptual traditions of the large Western NGOs, such as Amnesty International and Human Rights Watch. To most such NGOs, Nigerian history before the mid-1980s is all but a blank slate with regard to the incidence of organized human rights activism by non-governmental groups.

With the notable exception of the Civil Liberties Organization (CLO), the Movement for the Survival of Ogoni People (MOSOP), and a few others, almost all of these NGOs are not really membership groups. Controlled and run (as they almost always are) by an unelected core management team, one of whom who usually "owns" the organization and are at best marginally accountable to a governing board or active membership, virtually all of these NGOs lack an active and effective membership base. Thus, most such NGOs are not internally democratic in either structure or substance. Additionally, with the rare exception of the CLO, almost all these NGOs lack a national spread, are concentrated in either Lagos/Abuja and are basically run from a single office.

Rarely do any of these NGOs raise a significant portion of their funding locally, be it from a committed membership or from other local

141 See generally Okafor, Legitimizing, supra note 10.
142 See id. at 42-43; see also Odinkalu, supra note 11, at 2-4.
143 See Okafor, Legitimizing, supra note 10, at 51-76.
144 Id.
145 Id.
146 Id.
Perhaps, with the exception of the CLO and one or two other groups, NGOs in Nigeria simply tend not to canvass the local population for members and financial resources, at least not to any meaningful extent. Almost all of these groups raise most of their finances from European and North American foundations, governments, and charities. While this situation reflects the reality of the global resource distribution map, and the difficulty of raising resources within Nigeria’s troubled economy, it is not impossible to ameliorate.

Importantly, however, when it comes to the issue of gender sensitivity, the story is rather different. Although these NGOs can on the whole be said to have started out quite poorly in terms of their incorporation of the ethic of gender sensitivity into their composition, structures, programs, and methods, they now tend to do so to a fair (though by no means adequate) extent. Many such NGOs have even established dedicated gender program units. What is more, many more female-led and focused NGOs, such as the Women’s Aid Collective (WACOL) and the Women’s Rights Advancement and Protection Alternative (WRAPA), now exist in the country.

Less commendably, (although the NGOs we are concerned with in this article are, almost by nature, pro-human rights in orientation) not all their historical tendencies can be confidently classified as pro-poor. For example, until recently, most (though not all) such NGOs have historically tended to prioritize civil and political (CP) rights activism at the expense of socio-economic rights. Many still suffer from this deficiency today. This behavior largely mirrors the prevalent historical tendency in the dominant segments of the international human rights community. Yet, it has also been shaped by the expressed priorities of the foreign donors on which these NGOs depend for almost all of their funding. Another reason why certain NGOs neglected socio-economic rights is the fact that lawyers and journalists have largely run most of them, and have tended to be more attentive to CP rights violations.

147 Id. at 123-50.
148 Id.
149 OKAFOR, LEGITIMIZING, supra note 10, at 123-50.
150 Id. at 141-44.
151 Id. at 94-95.
152 Id. at 213-14.
153 Id. at 35-38.
154 Id. at 211-213.
The widely acknowledged necessity of ousting the military from power in Nigeria was also an important factor that contributed to NGOs directing most of their attention to the CP rights area. In any case, the CP rights activism of these NGOs also benefited the poor. Yet, the widespread neglect of social and economic rights activism by certain NGOs during periods in which the vast majority of Nigerians were being massively impoverished and denied the most basic forms of these rights, is at best troubling from a pro-poor perspective.

In the light of the above discussion, it is not surprising that, as a group, these NGOs have tended to shy away from mass mobilization/action as a major mode of struggle. Had most of these NGOs seriously deployed mass mobilization strategies with any regularity, they would have been far more in tune with the biting suffering of the Nigerian underclass. It should have been much more difficult for these NGOs to distance themselves, as much as they did, from that suffering. While some NGOs, such as MOSOP, the CLO (as a key part of the Campaign for Democracy and other such coalitions), and Community Action for Popular Participation (CAPP), have on occasion attempted to deploy the mass mobilization/action strategy, this has hardly been typical of these NGOs. Similarly, although a good number of NGOs have actively joined labor-led anti-fuel price hike mass actions, too many of them have not.

Thus, it should not be surprising to conclude that these NGOs have not tended to function as mass social movements. Without diminishing their significant impact within Nigeria, one which I have repeatedly commended elsewhere, it is fair to conclude that these NGOs have, on the whole, been too institutionally and conceptually distant from the vast majority of ordinary Nigerians to warrant the attachment of that label to them.

V. COMPARING THE CHARACTER OF THE TWO GROUPS

As can be gleaned from the discussions in sections two and three of this article, important institutional and conceptual differences do exist between Labor and the NGOs. These differences will be briefly highlighted

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156 Id.
157 Id.
158 See E. Remi Aiyede, United We Stand: Labour and Human Rights NGOs in the Democratization Process in Nigeria, 14 DEV. IN PRAC. 224, 229 (2004).
159 Okafor, LEGITIMIZING, supra note 10, at 109.
160 Okafor, Precarious Place, supra note 3, at 78-84.
161 Okafor, LEGITIMIZING, supra note 10, at 151-207; Okafor, Modest Harvests, supra note 10.
here in order to provide clarity and lay a proper foundation for a subsequent discussion regarding both the connection between the nature of each group and its ability to influence society and state in Nigeria, and the extent to which the differences between Labor and the NGOs have mattered in this connection.

First, an important difference between the two groups is that while Labor has steeped itself adequately in the indigenous tradition of labor activism for human rights, the NGOs have tended to stand apart from the long history of relatively organized human rights activism that preceded them. Second, while Labor has, without exception, been composed of membership organizations that devote great amounts of time and effort to cultivating and recruiting members from the qualified segment of the Nigerian public, the NGOs are rarely composed this way. Third, while Labor enjoys a national spread, uncommon is the NGO that can lay claim to such an accomplishment. Fourth, the NGOs (with a few exceptions) tend to be run by unelected "owners" who are not accountable to an active membership, while Labor’s internal structure is deeply democratic. Fifth, NGOs raise almost all their funds from foreign donors, whereas Labor is almost entirely self-funded. Sixth, although both groups are pro-human rights and have sometimes worked together to advance that value, Labor has exhibited a far greater, and more visible, sensitivity to the priorities of Nigeria’s poor majority. Seventh, Labor relies heavily on the mass mobilization/action mode of struggle, while the record of the NGOs in this respect is spotty, at best. Eighth, it is fair to conclude that although Labor has clearly tended to function as a mass social movement, NGOs tend not to be qualified to wear that label. These are the main differences in the character of these groups.

VI. Linking Character to Performance

In the light of the foregoing discussion analyzing the main differences between Labor and the NGOs, what is the connection (if any) between Labor’s more impressive performance and its institutional character and conceptual orientation? Does a similar connection exist between the less effective performance of the NGOs and the character and orientation of such groups? And thus, do the highlighted differences between Labor and the NGOs help explain the observable inequality in the ability of the two groups to exert influence on society and state in Nigeria – and, if so, to

162 As the two groups do not really differ that much in terms of their respective sensitivities to gender issues, this issue will not be focused on in the remainder of the article.
what extent? These questions will be examined in some detail in this section.

A. The NGOs

Despite their significant impact within Nigeria, the fact that NGOs have not optimized their potential to influence society and state in that country is deeply linked to their relative (but not total) institutional and conceptual distance from most ordinary Nigerians. The nature of their prevalent institutional form and conceptual orientation has tended to foster and exacerbate this distance, preventing them from earning the level of active support among average Nigerians that would have persuaded/forced the government to take them more seriously.

First, these NGOs tend to locate themselves in the activist traditions of other lands, largely distancing themselves from a long and rich indigenous tradition of human rights activism in Nigeria. This has helped to characterize them as somewhat apart from their own people and as supposedly new and foreign bodies in the land. It has also prevented them from learning adequately from the indigenous history of human rights activism and from gleaning sufficiently from that tradition, insights about what has worked and what has not worked in the particular Nigerian social context. This has in turn reduced their ability to earn sufficiently high levels of commitment among average Nigerians. And without such levels of commitment, they could not exercise the level of political leverage that was necessary to optimize their impact on the government.

Second, most (though not all) NGOs lack a meaningful membership base, are led by CEOs who are largely unaccountable to any a membership, and basically operate undemocratic internal structural arrangements. As such, these NGOs have not enjoyed the high level of popular validation which usually comes with successfully cultivating a broad-based and active following among ordinary Nigerians, who exercise broad policy control over the organization, and who experience a sense of ownership of, or at least kinship with, the NGO. Such a high level of popular validation usually provides the kind of political leverage that, in both Nigeria’s current semi-democratic setting and its erstwhile semi-consensual militaristic milieu, allows a non-governing group to exert high levels of influence on society and state.

Third, a related point is that rarely do the agendas of these NGOs bear the democratic imprimatur of an active, community-based membership. As such, these agendas have not spoken adequately to the priorities of most ordinary Nigerians and, consequently, have not been as nearly pro-poor as they ought to be in the particular Nigerian context. The example has been offered of the conceptual dissonance that existed between the near-
exclusive focus of these NGOs on civil and political rights at a time when most ordinary Nigerians were suffering the most massive violations of their socio-economic rights that they had ever known. It is not difficult to see how such a dissonance produced significant social distance between these NGOs and the vast majority of the Nigerian people. Without being closer to these Nigerians, without earning their widespread, active and intense support, these NGOs could not exercise the kind of political leverage that would allow them to optimize their influence on the government.

Fourth, the funding structure common among these NGOs (i.e. their near-total reliance on foreign funding) has provided an incredibly powerful disincentive to their engaging in the admittedly arduous task of canvassing the local population for donations, memberships, and other resources. This has in turn contributed to the conceptual and institutional distance that can often be observed between most of these NGOs and most average Nigerians. Such distance reduced significantly their ability to successfully mobilize ordinary Nigerians to the extent and intensity required to exercise the kind of political leverage needed to get the relevant governments to take them more seriously.

The tendency of these NGOs not to deploy the mass mobilization/action mode of struggle is evident from the nature of their institutional forms and conceptual orientations, and has clearly affected their ability to exert influence on successive Nigerian governments. For, although, successive Nigerian governments have been more or less autocratic, they have not been impervious to the kind of intense political pressure that is generated by successful mass mobilizations/mass actions. As I have suggested elsewhere:

\[\text{[d]eep cleavages within the Nigerian state have made Nigerian political culture much more amenable to negotiation and popular pressure [and compromise] than is commonly acknowledged in the literature. Because of these deep cleavages, the ruling elite... have recognized the value of enjoying a modicum of popular legitimacy (or at least tolerance), however minimal in extent.}\]

Had the NGOs deployed the mass mobilization/action mode of struggle more frequently, they would likely have performed more optimally at the task of influencing state and society in Nigeria in pro-human rights ways.

In sum, the fact that these NGOs are not sufficiently integrated into the local community and are not mass social movements, seems to be the main reason for their sub-optimal (albeit significant) performance.

\footnote{Okafor, Modest Harvests, supra note 10, at 45.}
B. The Labor Groups

Labor’s considerable and relatively greater success at influencing society and state in Nigeria can be attributed to the particulars of its prevalent institutional form and conceptual orientation. These features (which have together constituted Labor into a mass social movement) have fostered its ability to earn widespread validation, commitment, and active/intense support among ordinary Nigerians, and have thus helped arm Labor with the considerable political leverage it has exercised over the relevant Nigerian governments. Therefore, there are links between these features of Labor’s character and orientation and its performance.

While, (as is exemplified by the relative weakness of Labor during the mid-1980s to late 1990s) the length of their social action experience has not served as a guarantee of success, it has provided a measure of useful institutional memory to Labor on what has worked and what has not, on how best to earn the commitment of ordinary Nigerians and on how to get the government to take the organization more seriously. This institutional memory has aided Labor greatly as it mounted and prosecuted its struggles for socio-economic rights in Nigeria. The key point here is not simply that Labor has pedigree, but that it chose to steep itself within, and learn adequately from, its own history; something that some other groups in Nigeria have not done as well. One thing that it clearly learned from its history (a past that includes its formidable role in the mass-based anti-colonial struggle) is that it pays back its weight in political leverage to be a part of the people, to make strenuous and creative efforts to mass mobilize ordinary Nigerians.

Labor’s pro-poor orientation, its considerable focus on critiquing, protesting and winning improvements in what may in part be described as “the social relations of subsistence” (especially sharp fuel price hikes), was a key factor that facilitated its considerable ability to influence society and state in Nigeria. This was mainly because Labor’s largely socio-economic rights message resonated with a vast and highly populous Nigerian underclass which was resentful at their impoverishment, intent on changing the status quo, and ripe for mobilization. It is no wonder then that Labor...
enjoys widespread support among these Nigerians, support that has earned them considerable influence within the country.

As I have suggested elsewhere, the major reason for Labor’s tendency to remain faithful to its goal of struggling for the realization of the fundamental socio-economic rights of ordinary Nigerians is not hard to fathom.\(^{167}\) The internal democratic control and accountability of leaders to a vast population of junior worker-members (who tend to reflect the experiences and sentiments of the Nigerian underclass), has enabled Labor to remain in almost routine touch with the experiences and sentiment of the ordinary Nigerian. This connection has also allowed Labor to fashion and remain committed to the kind of pro-poor messages which are likely to resonate most strongly among the vast majority of the Nigerian people, and earn for it their commitment and support. It is this support that has given Labor the ability to successfully pressure almost all of the various Nigerian governments it has dealt with.

Labor’s more or less national spread has also allowed it to foster a sense that it is “owned” by all Nigerians, and not by a small section of that population. In a relatively young country, hastily put together by the British colonialists from hundreds of separate, independent and at times mutually suspicious states and other polities,\(^{168}\) where ethnicity plays an important role in politics, it is often easy to “ethnicize” and dismiss civil society and other struggles as sectional and driven by the hidden agenda of the current leader to dominate other parts of the country. Earning active support from a nationally spread and large membership base does help to partially inoculate such struggles from such devastating accusations. Faced with an intense nationally spread struggle for change, successive Nigerian governments have tended to yield considerably to Labor’s demands.\(^{169}\)

The fact that Labor is largely self-funded, and tends not to rely significantly on foreign funding is one of the more important reasons for its success at influencing society and state in Nigeria. The fact that Labor must raise most of its funds from an active membership base has forced it to pay great attention to cultivating and earning the widespread validation, commitment, and actively intense support of its junior workers-members (who typify ordinary Nigerians). A membership cadre that actively resists paying check-off membership dues would have led Labor into the waiting hands of a governing class that has, on the whole, tended to be uncomfortable with its considerable political leverage in Nigeria, and who would have had an

\(^{167}\) Okafor, *Irrigating*, supra note 3.


\(^{169}\) Okafor, *Precarious Place*, supra note 3, at 79-84.
excuse to cut off Labor's source of funding. Thus, although its funding comes from monies which are automatically deducted from the salaries of its members, Labor has always needed to cultivate the active support of its members in order to fend off the threat of being repressed by the governing class via the stoppage of this system of automatic deduction. It is the active and intense commitment of Labor's membership, supported by the fairly intense loyalty of most of the Nigerian underclass, which has earned it the very political leverage on which it has relied to successfully pressure successive Nigerian governments to alter some of their thought and behavior.

Nevertheless, many of the keenest scholars of this subject matter appear to agree that the most important feature of Labor's institutional form and conceptual orientation, in terms of helping to foster its influence on society and state in Nigeria, is its tendency to deploy the mobilization/mass action mode of struggle.\(^{170}\) Mobilization/mass action has allowed Labor to intently cultivate average Nigerians for membership, support, and funds. It has also allowed Labor to more consistently feel the pulse of the Nigeria's vast underclass, and to craft messages which resonate deeply among that population. It has, in sum, enabled Labor to maintain considerable closeness to (as opposed to distance from) ordinary Nigerians and to become an integral part of the Nigerian people. It is, therefore, not surprising that vast numbers of ordinary Nigerians have tended to stand solidly behind Labor's struggles, permitting it to face down the Nigerian government and largely get its way.

Thus, there are strong connections between certain aspects of the character and orientation of each of the relevant groups (i.e. Labor and NGOs) and their varying abilities to secure the high level of widespread and intense support among ordinary Nigerians, that would allow them to make far greater progress toward the optimization of their influence on society and state in Nigeria. On the one hand, the Labor groups which have been much better at securing the active and intense support of ordinary Nigerians, in large part because of the particular ways in which they have been constituted and oriented, have been able to achieve considerably high levels of influence on society and state in Nigeria. As was shown above, Labor's mass-oriented institutional character and well-rounded pro-poor orientation contributed to their heightened ability to secure popular support in Nigeria, support that they then leveraged to help shape the character of governmental thought and action. On the other hand, the NGOs have been much less successful than Labor at securing the widespread allegiance of ordinary

Nigerians. Due to the particular institutional forms and conceptual orientations which the NGOs have adopted, they have only been able to achieve a modest (albeit still significant) level of influence within Nigeria. As became apparent in the foregoing paragraphs, the generally elite institutional character and somewhat spotty pro-poor orientation of most of these NGOs had much to do with their failure to secure widespread and intense popular support in Nigeria, support that they had to earn in order to be able to optimize their effectiveness. Thus, for each of these groups, the effectiveness of its performance with regard to exerting influence on governance in Nigeria has been closely related to its institutional character.

VII. WHAT SHOULD ORGANIZED HUMAN RIGHTS ACTIVISM IN AFRICA BECOME? CONTRIBUTORY INSIGHTS

In the light of the foregoing argument (which strongly suggests that the more Nigerian human rights groups of different kinds have been constituted, organized and oriented in particular ways, the more they have been able to positively impact society and state in that country), what should human rights activism in Nigeria become? And to what extent might this insight – produced as it was from detailed empirical studies of the Nigerian experience – contribute to our understandings of how the fortunes of similarly situated groups on the rest of the admittedly vast African continent are to be improved? Thus, however limited the potential “transplantability” of the specifically Nigerian insight generated in this article, is there any existing evidence from other places in Africa which point to the contingent viability of this analysis as a baseline guide for further thought and action regarding the transformation of organized human rights activism in those places?

In this connection, the main goal of this section is to fore-ground the lessons which each of the two groups might learn from the way in which the other tends to be constituted, organized and oriented. This exercise will in the end generate consequential recommendations for the significant improvement of human rights activism in Nigeria, and perhaps even elsewhere on the African continent. Given the argument that a Labor or NGO group’s institutional form and conceptual orientation greatly shapes its capacity to secure the kind of widespread and intense popular allegiance required to optimize its impact on society and state in Nigeria, then any changes to such a group’s form and orientation which would likely enhance such a group’s ability to secure the ideal level of intensity and popular allegiance, ought to be encouraged. It also follows that, in order to optimize each group’s influence on governance in Nigeria, the demonstrably less successful NGOs need to learn a lot more from their significantly more successful Labor counterparts than the latter group has to learn from them.
Thus, the NGOs will by and large have to make many more changes to their character than the Labor groups. But, Labor does have at least one lesson to learn from the NGOs.

Thus, for all the reasons already articulated in this article, it may be said with confidence that the NGOs will do well to emulate, as far as is possible and appropriate, the broad outlines of Labor's institutional form and conceptual orientation. As such, the NGOs ought to; locate their human rights thought and practice within the long tradition of indigenous human rights struggle in Nigeria, and learn as much as they can from the recorded experience of those who waged such earlier struggles; acquire as broad and national a membership base as they possibly can, who must ultimately exercise control over the organization; operate internal democratic structures which will tend to allow the organization to more routinely and adequately sense and act upon the pulse of the ordinary people; become much less foreign funded and far more member-financed; exhibit a stronger and more palpable pro-poor orientation; \(^\text{171}\) and rely much more on mass mobilization/action as their major mode of struggle. It has, in sum, they ought to be constituted, organized and oriented much more like a mass social movement, and far less like mere watchdog organizations. \(^\text{172}\)

Nevertheless, as strong as the foregoing argument may seem, a discerning skeptic may think of some reasons why the relevant NGOs may need to be a little cautious about too strongly or readily heeding their call to transform themselves into mass social movements. First, it may be argued that in certain situations the "masses" may in fact be anti-human rights, or even anti-poor. For example, the mass majority in a given country may support the death penalty (a punishment that NGOs currently tend to oppose), and may even favor tax cuts which lead to less money being available in the public purse for the funding of social services, thereby hurting the poor.

These would be good counter-arguments. Yet, given that it is part of the job of NGOs to engage with and sensitize the masses as to the principles which guide them in the practice of their human rights vocation, these NGOs can, albeit with some effort, eventually articulate and reach principled compromises with most of those masses. Compromises that will both carry those masses along and at the same time advance the cause of human rights. This is the more sustainable approach than a largely top-down strat-

\(^{171}\) See Okafor, Precarious Place, supra note 3. (To be fair to the NGOs, many of them such as the CLO have increasingly identified with Labor-led subsistence struggles, such as the anti-fuel price hike campaign. Yet, there remains much room for improvement in this regard within the NGO community as a whole.)

\(^{172}\) See C.A. Odinkalu, supra note 11, at 2-4.
egy. Also, at least in the Nigerian context (and most other African countries) where the mass majority are very poor, it is not likely that most of them will be anti-poor, i.e. anti-themselves! Witness, for example, the massive support enjoyed by Labor in its pro-poor struggle against fuel price hikes. As such, all of the objections discussed above do not hold much water in the Nigerian (and perhaps broader African) context.

It may also be argued that adherence to the mass social movement model will tend to drag NGOs too far down into the arena of politics, where they may be blinded too often by the thicker dust of conflict, and thus become far less detached and more partisan than they currently are. As Chidi Odinkalu has brilliantly put it:

Throughout history, the protection of human rights has been won by struggle, and struggle requires [mass] mobilization. . . To be successful, such struggles must be biased without being unfair and political without being wedded to a particular party. However, it is the practice of today’s human rights organizations [in Africa] to claim to be “impartial,” “unbiased,” “neutral,” and “non political.” Fashionable though they may be, and donor-friendly though they certainly are, such expressions do not describe the complex realities of the struggle for human rights in [most of] Africa.173

The realities of the Nigerian (and indeed African) postcolonial state context is that, in large measure, because of their very young post-independence histories, many fundamental state-building issues still remain largely unsettled and intensely contested, and are the root causes of many of the very problems that NGOs are concerned to at least ameliorate. NGOs detach themselves from most of these political contestations at their peril. Thus, political detachment on the part of these NGOs – even if that sort of stance is, in practice, at all possible – is not always a sensible or effective strategy, especially in the peculiar Nigerian (and even broader African) context. For all the above reasons, the counterarguments do not detract significantly from the strength of the arguments made in favor of the need for the relevant NGOs to morph into something akin to mass social movements.

On the other hand, might Labor learn anything from the NGOs? In my own view, there is one important lesson which Labor will do well to learn from the NGOs: that it ought to cultivate more effectively the kinds of virtual human rights networks with progressive elements within the judiciary in Nigeria which their NGO counterparts have tended to build more

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173 Id. at 3.
successfully. Building virtual alliances with these kinds of judges (via seminars, publications, and other forms of focused interaction), will better sensitize them to Labor’s cause. Consequently, this will help Labor to better protect its formal legal right to engage in mass mobilization and mass protest, a right that has recently come under assault from a section of the Nigerian judiciary. Notwithstanding that the law-in-action, i.e. the so-called living law (as opposed to the formal law) currently protects this right, the highest-ranking judicial decision to date on this issue will trouble Labor’s ability to fully enjoy this right. Better protecting Labor’s formal legal rights to mass protest will enhance their capacity to prosecute even more effectively the very mass actions which have greatly enhanced their political leverage vis-à-vis the governments with which they have dealt in Nigeria.\(^\text{174}\) Though huge improvements will not result from the implementation of this particular recommendation, any enhancement at all of Labor’s capacity to impact governance in Nigeria should be welcome.

On the whole, however, the verdict is basically in, and its tenor and implications are fairly clear. The comparative evidence analyzed in this article strongly suggests that the more a Nigerian (and perhaps African) human rights group is constituted, organizes, acts, thinks, speaks and resonates with the ordinary people (like their Labor counterparts), the more active, committed and popular their following will most likely become, and the more effective they will likely be in accomplishing their ultimate goal of optimizing their impact on society and state in Nigeria. In effect, despite their own significant accomplishments, for most of the NGOs which currently operate in Nigeria to optimize their impact within that country, nothing less than their institutional and conceptual re-orientation toward the mass social movement model is required.

Yet, here again, a discerning skeptic may suggest that merely operating in a mass social movement model (via composing, organizing and orienting human rights activism in the suggested ways) will not always be enough to assure success to human rights groups either in Nigeria, or in the rest of the African continent. Such a skeptic would not, of course, be mis-

taken. There are certainly many other factors, external to a human rights group’s immediate control, which do help to shape its ability to exert influence on society and state within a given country, factors which have little to do with its particular institutional form and conceptual orientation. Factors such as the nature of the current political regime within which the group operates (for e.g. how much real space for bottom-up political pressure exists in that context), the intensity of governmental repression and international pressures, do play important roles in determining the extent of a human rights groups’ relative performance at the task of impacting society and state in a given country. Yet, this argument is almost beside the point. For, it is recognized here that even the most well formed and best-oriented human rights groups may sometimes not be able to achieve the ideal level of impact. Considerations, such as a hostile environment, may limit a human rights group’s attainment.

As such, the article focuses on what these groups need to do about their character so as to optimize their impact in a particular kind of environment, i.e. so they can be the very best any such group can possibly be within that given socio-political context. Relative, not absolute, excellence is the goal. And so the point is that the more such groups adhere to the mass social movement model, the more likely they are to attain their highest potential within the relevant context. Notwithstanding a hostile environment (i.e. an infertile soil) a seed that is more viable than any other seed will sprout significantly better shoots than other less well constituted and oriented seeds.

Yet, even those who agree entirely with the above argument may still be justifiably skeptical as to its applicability to human rights groups in other African countries. It must therefore be noted that the preliminary indications in this connection are that the main conclusion reached in this article will tend to resonate in many other African countries. As I suggested in my own book on these NGOs, work by Kasfir, Gathii, Nyamu, Gutto, Mutua, Oloka-Onyango, and Odinkalu tends to suggest that in far too many (though not all) African countries, NGOs have remained too distant in institutional and conceptual terms from the mass underclass populations of those countries to earn the kind of widespread and intense allegiance from majority poor populations, which these NGOs require in order to exercise sufficient political leverage in the country and to be taken as seriously as possible by the relevant ruling classes.

175 OKAFOR, LEGITIMIZING, supra note 10, at 242.
176 See, e.g., Gathii and Nyamu, supra note 16; Kasfir, supra note 16, at 142-143; Makaua Mutua, A Discussion on the Legitimacy of Human Rights NGOs in Africa, 1 Afr. Legal Aid Q. 28 (1997); Odinkalu, supra note 11; S.B.O. GUTTO, Non-
For example, as Kasfir stated: "With notable exceptions, the African organizations specified by conventional civil society notions are new, lack social roots, have objectives unrelated to ongoing political conflicts and are heavily financed by outside donors." These conclusions are largely congruent with the arguments made here. This article is, therefore, likely to contribute to the broader pan-African debates about the better or worse ways of engaging in organized human rights struggle on the continent.

VIII. Conclusion

The article has shown that the different ways in which the local Labor and NGO groups which engage in human rights activism in Nigeria tend to be composed and organized, and how the broadly contrasting conceptual orientations which they tend to exhibit, has greatly shaped their respective — albeit uneven — abilities to influence society and state in Nigeria. The greater success of the Labor groups is linked, in part, to the fact that their mass social movement style (as signified by the nature of their composition, internal structure, national spread, funding pattern, focus on socio-economic rights issues, pro-poor commitment, and tendency to rely on mass mobilization/action) has tended to enable them secure and maintain the active and intense allegiance of vast numbers of ordinary Nigerians. The NGOs, who have generally performed less effectively than Labor in impacting society and state, have also tended to exhibit far less of the mass social movement style, and this has not, in most instances, allowed them to garner the level of popular support that they require in order to optimize their influence in Nigeria. Thus, the evidence discussed in this article strongly suggests that the more the local human rights groups have tended toward being composed like and functioning as mass social movements, the more they have influenced society and state in Nigeria. This strongly suggests progress toward this model as a way of transforming organized human rights activism in Nigeria.

It was also suggested that, given the tenor of existing work by other scholars, similarly situated human rights groups in other countries on the African continent might also do well to take this insight seriously. How-

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177 See Kasfir, *supra* note 16 at 142.
ever, in those cases, this insight can only function as a broad guideline for further thought and action, and not as any kind of general theory. To be sure, more work needs to be done in order for such a general, Pan-African, theory of organized human rights activism to emerge, if this is even possible. Only a contributory insight in aid of the possible development of such a general theory is offered in this article.