

**CUSTOMS & EXCISE AND IMMIGRATION STAFF  
ASSOCIATION (CEIMSA)**

*C/O Nigeria Immigration Service,  
Jigawa State Command  
Dutse,*

REF. NO CE IMSA/2012 LS2012  
1<sup>ST</sup> SEPTEMBER, 2012

The President,  
Nigeria Labour Congress.

**RE: APPLICATION OF INTERNATIONAL LABOUR STANDARDS 2012  
(1) - REPORT OF THE COMMITTEE OF EXPERTS ON THE  
APPLICATION OF CONVENTION AND RECOMMENDATIONS**

We are writing to exhort the comradely attention of the congress to the above subject matter page 205, Report 111 (part 1A) the paragraph reading "Organizing in various government department and services" where inter – alia it is stated:-

"The committee notes that, according to the governments report, section" II is retained in the interest of the nation, BUT THREE CURRENTLY EXIST JOINT FUNCTION CONSULTATIVE COMMITTEES FUNCTIONING IN SIMILAR AND CORRELATIVE CAPACITIES AS TRADE UNION; and

- 1) "The committee once again RECALLS THAT WORKERS, WITHOUT DISTINCTION WHATSOEVER, SHALL HAVE THE RIGHT TO ESTABLISH AND JOIN ORGANIZATION OF THEIR CHOISING AND THAT THE ONLY EXCEPTION AUTHORIZED BY THE CONVENTION ARE MEMBERS OF THE POLICE AND ARMED FORCE" (Capital Ours) – see appendix 1.
- 2) Per appendix 2 a letter Ref No. MIA/LECT/227/08/11 of 12<sup>th</sup> March, 2008 signed by Mr. Ozoemelum I.C for the Hon. Minister of Federal Ministry of Interior paragraph 2 of the letter under reference speaks for



itself if juxtaposed to the above quoted opinion of the I.L.O. The paragraph states:

" I am to inform you that the Customs excise and Immigration staffs Association under whatever nomenclature can not be defined as a joint consultative committee, hence it is illegal and an unlawful organization". It may suffice, to inform you that the letter under reference is a reply to ours Ref: No. CEIM/DECREE/25/WP/007 f 10<sup>th</sup> December, 2007.

- 3) Sequel to paragraph three (3) of the Minister's letter i.e " accept the renewed assurance of the Honourable *MINISTER'S LIGHTED CONSIDERATION* " (Capital ours) which is an implicit threat, we present to the congress" "OUR TRADE UNIONS AND FUNDAMENTAL RIGHTS IMPAIRED: AN EXHORTATION TO LABOUR LEADERS OF DE-REGULATION THE INDUSTRIAL RELATION ARENA" 12<sup>TH</sup> June, 2011. See the presentation marked appendix 3 and kindly refer to paragraphs five (5) and Six (6) of the paper.

3. In our letter of 10<sup>th</sup> July, 2001 entitled Inquiry and Information addressed to the General Secretary of the congress (Appendix 4), paragraph 4 referred to our letter of 21<sup>st</sup> July, 2000 entitled "RE: REPORT OF THE COMMITTEE OF EXPERT ON THE APPLICATION CONVENTIONS AND RECOMMENDATIONS AND OF THE I.L.O (Appendix 5) and the demand contained in this report is vivid: align your laws to convention 87 of the I.L.O which this latest report explicitly stated and, buttress our claims that "our labour laws and policies are applied in breach to convention 87 of the I.L.O"

5. In earnest therefore, we are soliciting for your expedient intervention in view of this latest report, please.

**ABDULKADIR I. ISA**

Acting president at de-registration of CEIMSU

## **Appendix 1**

# **Application of International Labour Standards 2012 (I)**

Report of the Committee  
of Experts on the Application  
of Conventions  
and Recommendations

*Article 2 of the Convention. Legislatively imposed trade union monopoly.* In its previous comments, the committee had raised its concern over the legislatively imposed trade union monopoly and in this respect, it requested the government to amend section 3(2) of the Trade Union Act. which restricts the possibility of other trade unions from being registered where a trade union already exists. The Committee notes that the Government states in its report that the Trade Union (Amendment) Act 2005 has addressed this concern by, inter alia, stating in section 2 that "... membership of a trade union by employees shall be voluntary and no employee shall be forced to join any trade union or be victimized for refusing to join or remain a member", and that union membership is therefore voluntary including in national practice backed by jurisprudence. Observing that section 3(2) of the Trade Union Act has not been amended by the language of the OS Trade Union (Amendment) Act, the Committee considers that the maintenance of the restriction in section 3(2) contradicts the voluntary union membership stipulated in section 12(4) of that Act. The Committee reiterates that under Article 2 of the Convention, workers have the right to establish and to join organizations of their own choosing without

distinction whatsoever (see General Survey of 1994 on freedom of association and collective bargaining, paragraph 45), and that it is important for workers to be able to establish a new trade union for reasons of independence, effectiveness or personal choice. // therefore once again requests the Government to amend section 3(2) of the principal Trade Union Act taking into account the aforementioned principles.

*Organizing in export processing zones (EPZs).* In its previous comments, the Committee had noted the government's statement that the Federal Ministry of Labour and Productivity is still in discussion with the EPZ authority on the issues of unionization and entry for inspection in the EPZs. The Committee had also noted the ITUC's comments, according to which section 13(1) of the EPZ Authority Decree 1992 makes it difficult for workers to form or join trade unions as it is almost impossible for worker representatives

to gain free access to the EPZs. The Committee notes the overrment's indication that: (i) the Export Processing Zone Act does not preclude unionization and all workers in the PZs are free to join trade unions and to bargain collectively; (ii) the Government has been in discussion with the EPZs on the issue of accessibility of EPZs to trade union leadership, inter alia at the Oil and Gas Sector Stakeholders Forum held in March 2010 where the EPZs affirmed the intention not to impede trade unionism in the EPZs; and (iii) the Government's desire to eventually nullify the negative impression of an unprotected workforce in the EPZs is captured in Part 111 of the Guidelines on Labour Administration Issues in Contract Staffing/Outsourcing in the Oil and Gas Sector recently published

by the Federal Ministry of Labour and Productivity. In this regard, the Committee notes with *interest* the Government representative's statement before the Conference Committee that the recently issued Ministerial Guidelines seeks to prevent anti-union discrimination against any worker in the EPZs and will remain in force until the Export Processing

Zone Law is amended. *Taking due note of the efforts made and the commitment of the Government to tackle the issue, the Committee requests the Government to transmit a copy of the abovementioned Ministerial Guidelines and to continue taking the necessary steps, including by amending relevant EPZ legislation, to ensure in the near future that EPZ workers enjoy the right to establish and join organizations of their own choosing, as provided by the Convention, and further requests the Government to indicate the measures taken or envisaged to ensure that representatives of workers' organizations are granted reasonable access to EPZs.*

**Organizing in various government departments and services.** In its previous comments, the Committee requested the Government to amend section 11 of the Trade Union Act, which denied the right to organize to employees in the customs and

Excise Department, the Immigration Department, the Prison Services, the Nigerian Security Printing and Minting Company Limited, the Central Bank of Nigeria, and Nigeria Telecommunications. The Committee noted that this section was not amended by the Trade Union (Amendment) Act. The Committee had noted that according to the government's statement, the Collective Labour Relations Bill, pending before the lower chamber of Parliament would address this issue. The Committee notes that, according to the Government's Report, section 11 is retained in the interest the nation, but there currently exist Joint Consultative Committees functioning in similar and correlative capacities as trade unions, and, in a further effort to address the issue, the Collective Labour Relations Bill which is in its final stage of being passed into law would concisely proffer local remedy for the concern. The Committee cannot but *regret* the government intention to retain section 11 of the Trade Union Act "in the interest of the nation". The Committee once again recalls that workers, without distinction whatsoever, shall have the right to establish and to join organizations of their choosing and that the only exceptions authorized by the Convention are members of the police and armed forces. Who should be defined in a restrictive manner and should not include, for example, civilian workers in the manufacturing establishments of the armed forces. Furthermore, the functions exercised by employees of customs and excise, immigration, prisons and preventive services should not justify their exclusion from the right to organize on the basis of *Article 9 of the convention (See General Survey, op, cit., paragraph 56 and 56 the committee therefore urges the Government to reconsider his position and take the necessary measures to amend section 11 of the Trade Union Act, so as to ensure conformity with the Convention. The Committee also requests the Government to send a copy of the collective Labour Relations Act, once it is adopted.*

Minimum membership requirement. The Committee had previously expressed its concern over section 3 (1) of the Trade union Act requiring 50 workers to establish to

established a trade union. The Committee considered that even though this minimum membership would be permissible for industry trade unions, it could have the effect of hindering the establishment of enterprise organization, particularly in small enterprises. The Committee notes the Government's indication that section 3 (1)(a) applies to the registration of national unions, and that at the enterprises level, there is no limit to the number of people to establish a trade union. Taking note of this information, the committee requests



APPENDIX 2

# MINISTRY OF THE INTERIOR

LEGAL UNIT

DEPARTMENT

GARKI – ABUJA

P.M.B No. 7007

Telegrams \_\_\_\_\_

Telephone \_\_\_\_\_



Ref No. MIA/LÉG/2272/08/11

Date 12<sup>th</sup> March, 2008

The President,  
Custom & Excise and Immigration Staff  
(Association CEIMSA)  
Jigawa State Command  
Dutse.

RE:DECREE 25 OF 1989 REVISITED

I am directed to acknowledge receipt of your letter Reference No. CEIMA/DECREE 25/WP/007 the 10<sup>th</sup> December 2007 on the above.

2. I am to inform you that the Custom & Excise and Immigration Staffs Association under whatever nomenclature cannot be defined as a joint Consultative Committee, hence it is illegal and an unlawful Organisation.

3. Please accept the renewed assurances of the Honourable Minister's lighted consideration.

Ozoemelum I. C.  
for: Honourable Minister  
Federal Ministry of Interior.

CC:

The Federal Ministry of Labour and Productivity  
Federal Secretariat phase 1,  
Off Shehu Shagari Way, Abuja.

The Federal Ministry of Justice,  
Justice House, Maitama, Abuja.

## **CUSTOM & EXCISE AND IMMIGRATION STAFF ASSOCIATION (CEIMSA)**

*C/o Nigeria Immigration Service,  
Jigawa State Command,  
Dutse.  
10<sup>th</sup> December,*

*CEIMA/Decree 25/WP/007  
The Honourable Minister of Finance,  
Federal Ministry of Finance,  
Federal Secretariat Maitama,  
Abuja.*

*The Honourable Minister of Interior,  
Federal Ministry of Interior,  
Federal Secretariat,  
Abuja.*

### **DECREE 25 OF 1989 REVISITED**

We humbly wish, to exhort your kind attention to the intendment of Decree 25 of 1989 vis-a-vis government white paper of December, 2006 on the report of the "Presidential Committee on the Consolidation of Emolument in the public Sector" especially paragraph 7.7.

However, permit us, the Honourable Ministers to quote the explanatory note of this legislation as follows:

- a) "The Decree, among other things amends the trade Union Act 1973 to delete the Custom and Excise and Immigration Staff Union from the list of registered and recognized Trade Unions and include the Custom, Immigration and Prison Services as one of the establishments prohibited from forming or joining "Trade Union".
- b) A reading however of sub-section 2 of section 11 of Decree No 31 of 1973 (The amended Decree) will show that " Nothing in this section shall be construed as preventing the setting up of join Consultative Committee in the establishment concerned"

Now that, Paragraph 7.7 of the white paper on the Presidential Committee cited above has in its findings discovered that:

"There are many Institutions classified as Essential service that is not consistent with I.L.O Policy" and "There is need to review the category of Essential Services to ensure that only additional utilities and much fewer members of parastatals are affected in line with I.L.O principles and restricted to the Armed Forces and Police...", and,

The Government's view is as follows:

"Government notes this recommendation to the extent that Establishments in the Essential Service without Trade Unions **SHOULD FORM JOIN" CONSULTATIVE COMMITTEE,.....**" (Capital Ours).

In view of the foregoing therefore, we consider it most expedient to solicit your kind compliance with the requirements of both the Trade Union Act and the Government white Paper so as to give full effect to the principles of both the Law and the this Policy. The former officials of the de-registered Customs and Excise and Immigration Staff Union (*CEIMSU*) have already arrived at the following conclusions: -

- a) The Union will be reactivated now as an Association to be called the Customs and Excise Immigration Staff Association (*CEIMSU*).
- b) Subsequently, the Prisons personnel will be organised into *the* Association;

- c) The Supervising Ministries and the Association will set-up joint Consultative Committee in accordance with the Law and known approved Industrial Relation Policies of the Government;
- d) Meanwhile, the President of the Union at de-registration who is the signatory of this letter will commence the establishment of the structures of the new Association and be consulting the two services accordingly;
- e) The Ministry of Labour and Productivity plus all relevant government Departments dealing with Industrial Relations, Employment and condition of service, will be notified accordingly.

In view of the fore-going therefore, we solicit your support, Cooperation and understanding so as to tap from the workers wealth of experiences in building the service just, as we did in the past towards the establishment of the Custom and Excise & Immigration and Prisons Board (CIPB) through the Yahaya Gusau study group which culminated in the promulgation of Decree No 14 of 1986.

We are of the strongest opinion that interacting with the workers will avail the management data and information that will serve as a useful inputs in policy formulation and managing the services.

Thank you and our kind regards please.

**ABDULKADIRI ISA**  
**President CEIMSU**  
**(at De-registration)**

*CC: President/General Secretary  
Of the Nigeria Labour Congress.*

*President/General Secretary  
Trade Union Congress*

*President/General Secretaries,  
AH Industrial Unions/Senior Staff Associations.*

*Please, this is for your solidarity and intervention.*

**ABDULKADIR I. ISA**  
**President CEIMSU**  
**(at De-registration)**

**APPENDIX 3**

**CUSTOMS & EXCISE AND IMMIGRATION  
*STAFF ASSOCIATION (CEIMSA)***

**OUR TRADE UNIONS' AND FUNDAMENTAL RIGHTS  
IMPAIRED: AN EXHORTATION TO LABOUR LEADERS  
ON THE QUESTION OF DE-REGULATING THE  
INDUSTRIAL RELATION ARENA**

**12<sup>TH</sup> JUNE, 2011**

**DECREE 25 OF 1989 NEGATES OUR TRADE UNION RIGHTS PLUS OTHER  
FUNDAMENTAL HUMAN RIGHTS:**

Our Union - The Customs & Excise and Immigration Staff Union (CEIMSU) was de-registered by Decree 25 of 1989. It is a well known fact that, " Five officials of customs preventive staff union of Nigeria applied for registration of the union with the registrar. The registrar not only refused to register the union, but also refused to assign any reason for his refusal. The applicants applied in the High Court, before Mr. Justice J.J.C Taylor, the Chief of Lagos, "in His Judgment, the learned Chief Justice declared" if we are to live by the rule of law, all persons, bodies and corporations must abide by the very rules of law which are enacted for the specific purpose of guiding us and ensuring that the alternative to the rule of law which is anarchy does not prevail. I regret to say, and particularly when the respondent is unable to adduce any argument against this appeal, the position becomes serious when the breach for the failure to abide by the rule of law is committed by person knowledgeable in law (unreported appeal No. LD/38A/69 High Court of Lagos and Nigerian observer, 7 February, 1978).

- 2) Exhorting your attention to the antecedents that resulted in the registration has become necessary in view of the responses the Ministry of the Interior gave to our letter Ref No. CEIMSA/DECREE 25/WP/007 of 10<sup>th</sup> December, 2007, Vide their letter Ref. No. MIA/LEG/2272/08/11 of 12<sup>th</sup> March 2008 where in paragraph 2 we are informed that "the Custom Excise and Immigration Staffs Association under what ever nomenclature cannot be defined as a joint consultative committee; hence it is illegal and an unlawful organization".
- 3) It may suffice to inform you that, the above quoted letter was copied to;



- a) The Federal Ministry of Labour and productivity; and
- b) The Federal Ministry of justice

Incidentally, we did not send a copy of our letter to these ministries and, what we decipher from the action of our employer is that we should subject the matter a third party intervention and, this are the right ministries to be approached.

Consequent upon the above understanding plus the ostensible inhibitions that made the pursuance of the task to its logical conclusion it becomes.. desirable for us to run to the Nigeria Labour Congress for intervention. However, at this juncture, jet is necessary to inform you that on the 19<sup>th</sup> March, 2010 an **"UPDATE ON DE-REGISTERED CUSTOMS EXCISE AND IMMIGRATION STAFF UNION (CEIMSU): AN EXHORTATION FOR INTERVENTION** was presented to the Nigerian Lapour Congress.

In paragraph 2 of the letter it was stated inter - alia that "this exhortation has become necessary given the fact that:

- a. An I. L.O special report has called for the abrogation of Decree 25 of 1989 and Section II of the Trade Union Act;
- b. A dispute is now existing between our selves and the Ministry of Interior-
- c. In a de-regulate environment, why is it only the Trade Unions that are highly regulated going by the restriction imposed by the Trade Union Act, etc.

In paragraph (3) We suggested that there is the need to accord us an observer status as an affiliate forced out of the system albeit whose de-registration, deserves to be championed by the congress and other industrial unions.

And, it is a fact "Since April 1990 when we were privileged to attend a C.W.C meeting where our issues was discussed, we are kept at arms length

and, unaware of what kind of attention this obnoxious decree is receiving from the congress".

4. On the 11<sup>th</sup> May, 2008 we furnished the NLC with "A PHOTOCOPY OF GOVERNMENT WHITE PAPER ON THE REPORT OF THE PRESIDENTIAL COMMITTEE ON THE CONSOLIDATION OF EMOLUMENT IN THE PUBLIC SECTOR", At page 36 paragraph 7.7 of the document, the foregoing is stated:-

- **Finding-** "There are too many institutions classified as essential service that is not consistent with ILO Policy.
- **Recommendation-** The category of essential service to ensure that only traditional utilities and much fewer members of parastatals are affected in line with ILO principles and restricted to the Armed Force and Police etc".
- **Governments View:** "Government notes this recommendation to the extent that establishments in the essential services without Unions should from Joints Consultative Committees.

Government also noted the need to align its obligation under L.L.O conventions with the reality of being developing economy and the need to ensure stability in the provisions of essential services. Also, unionization of essential services workers should be addressed through the setting up of joint Consultative review bodies in line with the leading practice.)

In that latter at page (2) we gave "Our understanding to the foregoing position as follows:-

- i. Government is not a versed to the idea of the allowing essential services without trade Unions to form Joint Consultative committee, this reiterates

what is contained in the Trade Union Act (See Section 11(2) the laws of Federation of Nigeria Vol. 15.

- ii. There is a leading practice stipulated for unionization of essential service workers albeit, the exercise is not practiced in some services, for example Customs and Immigration (and by extension in the prison) services.
- iii. Even though government notes the need to align its obligations under the ILO convention, the reality of being a developing economy and the need to ensure stability in the provision of essential services in the country is impeding complying with the ILO conventions, etc.

That is why, we opined "apparently, government is not comfortable with its regulatory industrial relation- mechanism designed to create conducive and propitious environment for collective bargaining resulting in peaceful resolution of trade disputes and conflicts".

Consequent upon that therefore, given the extant environment of ascending liberalism, tripartite search for away out has become inevitable thus, a new frame work efficacious enough to generate confidence must be fathomed. Indeed, it is gratifying that the 9<sup>th</sup> delegate conference of the Nigeria Congress in motion No. 16 was moved on the "Continued denial of Trade Union Rights in Nigeria". The conference called on the Congress to "Prevail on the Federal Government to repeal Trade Union Act Cap 435 Section (2) Sub Section C -J which prohibits the existence of unions in the under listed establishments"; and, these are public sector workers.

## **5. PERSONAL AND TRADE UNIONS' RIGHT OF UN-REPRESENTED WORKERS**

We believe Human Rights are inviolable and absolute but, the law and practice of human rights in Nigeria tend to show that this is not so. This is because, there are extant Human Rights documents with express provision curtailing the enjoyment of rights under the justification of some higher national or public interest. Sequel to this, the labour movement is heavily regulated in the milieu of deregulation and ascendances of market forces.

One of the greatest challenges confronting the labour movement in this epoch aside other questions of working condition is actualizing the intendment of I.L.O convention 87; the words and sprits of both the labour

law and labour policy; appreciate that the aspirations of the unrepresented needs to be addressed as the hardships being experienced in the affected sectors negates the ideals and values envisaged by freedom at work with regards to;

- a. Remuneration;
- b. Working condition
- c. Humanizing the work place; etc.

If, democracy is a system of government which proclaims the participation of the people as a whole in running the nation's affairs and the freedom of individuals, for a citizen to exercise their rights all derogation and inhabitations against the enjoyment of the Right to Association should be done away with. Above all, the 1999 constitution makes it unambiguously clear that "provision will no apply if the thing done under the authority of the law is not shown to be reasonably justifiable in a democratic society".

**DECREE 25 OF 1989 CAN NOT INVALIDATE OUR RIGHT AS IT IS NOT REASONABLY JUSTIFIABLE IN A DEMOCRATIC SOCIETY**

The promulgation of Decree 25 of 1989 resulted in the deregistration of our Union and it is an exercise that denies us the following rights;

- a. Right to Associate;- Section 40 Of The 1999 Constitution
- b. Respect for the dignity of person :- Section 34 of 1999 Constitution
- c. Freedom of expression:- Section 39 of 1999 Constitution

The freed of Association and Protection of the Right to Organize convention, 1948 (No. 87) plus the Right to Organize Collective Bargaining Convention 1949 (No 98) all ratified by Nigeria encapsulates the above stated rights. The continuous refusal to apply them in their exact manner envisaged erodes constitutionally guaranteed rights that a Decree can not support.

**6.0 BIRTH OF CEIMSU: A PRODUCT OF ABIDING BY THE RULE OF**

**LAW**

The Judgment of Mr. JJ.C Taylor the Chief Justice of Lagos -unreported appeal No. LD/38A/65 High Court of Lagos and the Nigerian observer, 7 February 1978 inter-alia States" If we are to live by rule of law, all persons, bodies and corporations must abide by the very rules of law which are enacted for the specific purpose of guiding us and ensuring that the alternative to the rule of law which is anarchy does not prevail-when the breach of or failure to abide by the rule of law is committed by person knowledgeable in law" the need for resolving the dispute begs that:

- a. The claimant - CEIMSA,
- b. The authority against whom the claim is made-our employer

- c. The custodian of the laws of the federation - Ministry of Justice
- d. The enforcers of labour laws - Ministry of Labour
- e. The central labour organizations and Unions as members of the Industrial Relation arena, sit together to:-
  - 1. Sort out the exact intendment of:
    - (a) The I. L.O Convention 87
    - (b) The country's labour law and policy;
    - (c) The constitution with respect to Human rights etc;
  - ii) Discuss the correspondence of CEIMSA and the Ministry of Interior albeit in juxtaposition to the constitution of the county, laws and policies on industrial relations in force, and, I.L.O Conventions.

At this juncture, we are simply asking the congress to champion the call for arendezvous around the above stated questions, given that:-

- a) At third party's intervention has become apparent
- b) Aspirations of the unprotected workers in-view of the ascendance of liberalism exhorts the attention our Trade Unions,
- c) Sequel to (ii) above, labour movement should not be heavily regulated in the milieu of de-regulation and market economy;
- d) I.L.O convention 87 plus the words and spirit of our labour laws and policy permit us to organize and;
- e) Decree 25 of 1985 cannot invalidate our fundamental Human Rights as it is not reasonable justifiable under a democratic setting; and, the Decree is an enactment of undemocratic regime.

APPENDIX 4

C/O Immigration Training School,  
P.M.B. 3432,  
Kano.  
10th July, 2001.

The President,  
Nigeria Labour Congress,  
29, Olajuwon Street,  
Off Ojuelegba Street,  
Yaba,  
Lagos.

INQUIRY AND INFORMATION

We humbly write to inquire if the following letters have reached your office,

1. A letter addressed to the Honourable speaker of the House of Representatives dated 18th July, 1999 entitled: "PLEA FOR THAT ABROGATION OF DECREE 25 OF 1989 AND AMENDMENT OF- SECTION ELEVEN (11) OF DECREE 31 OF 1973 SO AS TO MAKE THE LATTER CONFORM WITH ILO CONVENTION 87 OF 1948"; this letter was copied to the congress.
2. A letter addressed to the General Secretary, Nigeria Labour Congress dated 15th October, 1999 entitled "SEEKING SOLIDARITY AND SUPPORT OF CONGRESS AND ITS AFFILIATES AGAINST DECREE 25 OF 1989". These Letters (1) & (2) are well published as per enclosed publications.

3. A letter addressed to the N.L.C. President, dated 15th December, 1999 entitled "RE: SEEKING SOLIDARITY AND SUPPORT OF THE CONGRESS AND ITS AFFILIATES AGAINST DECREE 25 OF 1989". In this letter, we enclosed a "REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTION AND RECOMMENDATION". We specifically drew attention to paragraph 2(b) page 261 of the report which speaks on "RESTRICTION ON THE RIGHT TO ORGANIZE BY THE TRADE UNION ACT.....".
  
4. A letter addressed to the General Secretary, Nigeria Labour Congress, dated 21st July, 2000 entitled, "RE: REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATION OF THE ILO" in this letter, we referred to our letter of 15th December, 2000. This letter dwelt on the following issues:-
  - i) Re-visited COSATU/NLC bi-lateral conference where a Police Union was in the COSATU delegation, with a view to buttressing the demand through the congress for the abrogation of Decree No. 25 of 1989;
  - ii) Informed the congress that, "The Hon. Minister of Employment, Labour and productivity has, as reported En the Vanguard News Paper, of Thursday, July 20, 2000 called for the re-view of our Labour Laws; we believe an avenue to push our demand is availed to the congress;
  - iii) Solicited the congress to re-kindle the CWC decision of 9th February, 19990 circulated to all affiliates on the 20th Febuary, 1990 Vide Congress letter NLC INS/A.42 - "PROSCRIPTION OF CUSTOMS, EXCISE & IMMIGRATION STAFF UNION". We did, enclose a photocopy of this congress circular in the letter under reference for ease of reference, and,



5. A letter, dated 21st July, 2000 addressed to the Hon. Speaker of the House of Representatives through the Chairman, House Committee on Employment, Labour and Productivity entitled "RE: PLEA FOR THE ABROGATION OF DECREE NO. 25 OF 1989 AND AMENDMENT TO SECTION ELEVEN (11) OF DECREE NO. 31 OF 1973 SO AS TO MAKE THE LATTER CONFORM WITH ILO CONVENTION 87 OF 1948". This letter was also copied to the NLC and enjoyed wide publicity in our National dailies.
2. Up till this moment, and disturbingly, we have not received either a letter of acknowledgement nor a letter from the NLC informing us of what type of attention these letters are receiving. Such a situation, has now compelled us to conjecture as follows:-
  - a) The endeavour is neither appreciated nor therefore welcomed by the congress and, can therefore not enjoy the support of the congress;
  - b) The endeavour is worthwhile save the congress is so pre-occupied with pressing issues more significant than this and, will attend to the problem at a latter date;
  - c) The Congress believes the appropriate thing is to allow the affected members to, independent of any support or solidarity pursue their case;
  - d) The Congress is comfortable with the application of the ILO Convention Vis-a-vis our Labour Laws hence, there isn't the need to give credence to our complaint by identifying with us. etc
3. We sincerely believe, silence though golden, in a situation where, the fundamental question of Trade Union Right, Independence and Sovereignty is undermined, the NLC and the entire affiliates are provoked. With humility and humbleness, this attitude is yet to be demonstrated on CEIMSU. We vividly re-call how the struggles in the Past against obnoxious Labour Decrees were prosecuted. We also, want to put it across that. Decree 25 of 1989 rather than challenged was

welcomed. This situation, especially in our present circumstances is not in the best interest of the Workers movement.

4. Be that as it may, sequel to a publication in the THIS DAY NEWS PAPER, OF SATURDAY, JANUARY 13, 2001 VOL. 6 NO. 2092 where The Chairman, House of Representatives Committee on Justice and Human Rights was reported saying, the "National Assembly to repeal oppressive Decrees", we hereby wish to inform the congress and its affiliates about the initiative.

Simultaneously, we are passionately appealing to the congress to make a representation to this committee on Trade Unions and Workers Rights.

5. We are therefore, Using this medium to:-

- a) Seek from the congress what its attitude to our initiative is. Are we correct and can proceed or, the congress does not welcome our moves?
- b) Solicit the congress to endorse the "REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATION OF ILO.
- c) Solicit the Congress to re-visit the CWC decision of 9th February, 1990 and on the bases of 5(6) above implement the decision contained in the circular as follows:-
  - i) Industrial Unions should petition the government and mobilise their members to do same, and
  - ii) Each Union should make a voluntary donation .... For solidarity work relating to the proscription.

6. We sincerely and, in all confidence believe an "injury to one is but an injury to all" is a slogan for the Trade Unions in situations as good, ugly or bad as ours. In a democracy and a "free market" economy, each interest group is challenged with the task of re-positioning itself in-order to maximize its advantages. Our

experiences in the past, is obviously dictating for a new organization, such could only come into being where inhibitions and encumbrance to our right of Association is removed. We are all aware, convention 87 of 1948 in Article 8(2) says "THE LAW OF THE LAND SHALL NOT BE SUCH AS TO IMPAIR, NOR SHALL IT BE SO APPLIED AS TO IMPAIR, THE GUARANTEES PROVIDED FOR IN THIS CONVENTION", Decree 25 of 1989 as offended this ratified convention.

Similarly, convention 98 of 1951 in its Article, 2(1) "WORKERS ENJOY ADEQUATE PROTECTION AGAINST ANY ACT OF INTERFERENCE BY EACH OR OTHER'S AGENT OR MEMBERS IN THIER ESTABLISHMENT, FUNCTIONING OR ADMINISTRATION", Decree 25 of 1989 and indeed certain sections of Decree No. 31 of 1973 as adequately reported in the "REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATION OF THE ILO" (a copy we have made available to you) offends these two conventions. In particular, we urge you to draw the attention of our Law makers to Article 2 and (9) of convention 87 which are saying:-

Article 2 "Workers and employers, WITHOUT DISTINCTION WHAT SO EVER, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing WITHOUT PREVIOUS AUTHORISATION", and. Article 9 " The extent to which the GUARANTEES PROVIDED FOR IN THIS CONVENTION SHALL APPLY TO THE ARMED FORCES AND THE POLICE SHALL BE DETERMINED BY NATIONAL LAWS OR REGULATION" - (Capital Ours)

Believing that Art 3(2) says "The Public authorities shall refrain from any interference WHICH WOULD RESTRICT THIS RIGHT OR IMPEDE THE

LAWFUL EXERCISE THERE OF; the exception to Article 2 is given in Article (9) and does not affect us, and Decree 25 of 1989 can not invalidate our right under section *HC* of the 1999 constitution) since this is a Decree, hence can not be reasonably justified under the present dispensation, we have to saddle you and the entire affiliates of coming forth with a categorical stand on our Trade Union Laws Vis-a-vis Workers' right to organize and bargain collectively. Employment in what ever form is a contract. ;

7. While thanking you for the patience demanded in going through our submission and its concomitant management, we sincerely believe the future of wage employment in Nigerians calls for a strong and broadly spread Trade Union Movement.

8. We therefore, look forward to your early acknowledgement and encouragement, please.

**ABDULKADIR I. ISA**

AG: PRESIDENT

AT PROSCRIPTION.