CO-OPERATIVES, THEIR POLITICAL ECONOMY, AND THE PROPOSED HARMONIZATION OF LAWS: A CASE FOR AFRICA

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Abstract

The materialists conceptualize history within the context of conflict relating to classes and socio-economic forces. Within history, co-operatives as socio-economic forces have played significant roles in the stages of development and have gained relevance in the class struggles that have ensued. Hence, co-operatives qualify as products and players in the dynamic and evolving Marxism versus capitalism struggles. As a result, co-operative laws are a reflection of the climax and anti-climax of class struggles, but in African's case a body of defective legal framework is presented. These deficiencies currently constitute hindrances to the optimal utilization of some projected benefits from the harmonization of co-operative laws. With Nigeria as the primary case study, this work critically reviews extant literature that problemitises the study, adopting the descriptive research methodology. The political economy of African co-operatives is appraised, with the following preliminary findings: African co-operatives have been impacted with variants of Marxism and capitalism through military and civil rules in the postcolonial era, both ideologies have influences on African co-operative laws, with capitalism having the better share, African co-operatives possess symptoms of peasant Marxism, but are regulated by laws highly influenced by imperial-capitalism, this ideological deficit is at the foundation of co-operative law in Africa. Although reviews and advancements are currently being attempted through the harmonization of co-operative legislations within the regions of Africa, regional frameworks have not been particularly successful on the continent. Therefore, an appraisal of the political economy of African co-operatives and its influences on co-operative laws is recommended as a primary remedial. Further, an apex international legal framework which addresses local peculiarities that influences such political economy, and by consequence sub-national and national co-operative legislations is recommended. A Universal Charter for Co-operative Societies fashioned after the Universal Charter on Human Rights 1948 is then proposed for further development.

Keywords: African co-operatives, Co-operative development, Harmonization of co-operative law, Political economy

Introduction

Co-operatives contribute significantly to economic and social development in virtually all the countries of the world. Their documented resilience to crisis and thus sustainability, and their particularity of being principles-based enterprises that are member-controlled and led are

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increasingly makes them relevant to sustainable development agenda[2]. The increasing degree of the relevance of co-operatives at addressing contemporary challenges, particularly in fields hereto exclusive to government and large corporations. Such fields include electricity, conventional banking, conventional insurance, telecommunication, Health care etc. Within this advancement, co-operatives retain their social peculiarities which differentiate them from strictly-profit making companies. Thus, co-operatives require laws that recognize their specificities. Laws are the primary framework upon which co-operatives are built[3]. However, laws that are applicable to co-operatives are not made by the co-operative movement. Such laws are made by the state, through the legislature, an arm of government detailed with law making[4]. These laws are executed by the executive arm of government and interpreted by the judiciary. Co-operatives are subject to the aforementioned process. In some jurisdictions, the process has been developed with the varying but reasonable contributions from the co-operative movement[5]. The reverse has been the case in many of the states of Africa. It is observed that although co-operative practice is widespread on the continent, co-operative law, or put in other words, laws that governs co-operatives are in their infancy. The deficiency is drawn from the following reasons:

a. Modern co-operative law in African was introduced by English and French colonialist during the colonial period[6];
b. These laws have to large extent remained in the form they were introduced during the colonial era[7];
c. The African co-operative movement have not been integrated in the attempts at reviewing co-operative law in African states[8]; and
d. There is not in place an Apex International Legal framework that "imposes" standards on African co-operative laws[9].

Therefore, co-operative law in Africa as currently obtains is largely an admixture of colonial administration and self-government dictations. As a result, the political economy is structured in favour of the state and other elements of elitism. Given the foregoing, it is argued that if the

[2] Hagen Henry (2012) Guidelines for Co-operative Legislation. Third Revised Edition. International Labour Organisation
[3] Nigerian Co-operative Societies Act Cap N98, Laws of the Federation of Nigeria, 2004
[4] Section 4 of the 1999 Constitution of Nigeria provides inter alia "The Legislative Powers of the Federal Republic of Nigeria shall be vested in a national assembly for the federation which shall consist of a senate and a house of representatives. The National Assembly shall have power to make laws for the peace, order and good government of the federation. The legislative powers of a state of the federation shall be vested in the house of assembly of the state"
[5] This has been the case with some states of Western Europe and North America. More recently in Japan, and also Rwanda.
[6] E.T Yebisi (2014) Appraising the Evolution and Sources of Co-operative Societies Law in Nigeria. International Journal of Humanities and Social Sciences. Vol.4 no. 6(1)
[7] E.T Yebisi (supra)
[8]Perhaps the boldest and most comprehensive attempt in this regards is the ongoing project by the International Co-operative Alliance, Africa region to have in place a model co-operative law in Africa. The idea of the project is to have in place a standard for the African co-operative movement. Although the project is drawing to a close, the idea is far from being holistic for the following reasons: (a) there was never a constituent assembly to share and collate ideas rather some apex co-operatives did an evaluation of the prevailing national co-operative legislation in their country; and (b) the final document tentatively entitled "African model law" has minimal chances of being adopted and domesticated by many African countries because it emanates from an international private organization, the ICA.
[9] This is draw from the fact that although the International Labour Orgnisation (ILO) Recommendation 193 (2002) appears comprehensive it has not taken the necessary binding effect on African countries. For example, Nigerian cooperatives laws make no pretence of its independence from any international legal framework.

proposed harmonization of co-operative laws[10] should not be built on the current provisions of African co-operative laws because it is not representative of the African co-operative movement and its values. This work adopts Nigeria as its primary research field.

The political economy of African co-operatives and their governing laws.

One of the primary focuses towards the understanding of co-operative law in Africa should be the analysis of the historical development of co-operative law on the continent and the nexus with co-operative development. African mutual support groups have been in existence since time immemorial, they had existed during the pre-colonial times. The introduction of formal co-operatives in Africa was undertaken by the British, French, Portuguese, Spanish, German and Belgium colonial administrations[11]. In Nigeria, co-operatives existed in variants before the advent of the British colonialist, this is captured in the following words "from time immemorial, there were in Nigeria various types of traditional "Mutual Aids" through which people provided services and catered for their needs. The "Esusu" or "Ajo" or "Ebese", a system employed by villagers to clear their farm or harvest their crops rotationally, and the "Owe" a mutual aid process through which people assist themselves to build houses are usually employed for diverse adventures through the solidarity model"[12].

There were diverse elements of these solidarity models in virtually all of Africa. In each of the cases, a model was a reflection of custom of the people and their needs. Colonial intrusion into the geographical area that will be later known as Nigeria triggered a gradual change in approaches. There were economic interests which brought conflicts between the colonialists and the locales. One of these was the trade in farm produce such as cocoa and palm oil. The locales were the farmers and the colonialists were the merchant buyers. The former stood in a privileged position and harnessed the advantage to dictate the prices of the farm produce. This became unfavorable to the farmers who in response established the Agege Planter's Union in 1928[13] as a common front against the imposition of prices they considered low on their produce. This was followed in 1932 by the establishment of the Abeokuta Teacher's Association formed by Nigerian teachers to pull their resources to press home their demands against the colonial administrators and promote the social and economic interest. The ideology was rapidly cultivated from far and wide within Nigeria.

Firstly, as a shield against perceived oppressive colonial policies, and secondly, as mechanism for socio-economic upliftment. This coincided with growing nationalist agitations in Nigeria, Ghana, Kenya, and many parts of Africa brings some political demission into a supposedly socioeconomic relationship.

Within, P.A. Oloyede, 1988 (supra) posits that the customary co-operative models had in place their own laws and rules of engagements. This assertion gains validity in the face of the realities

[10] The "Harmonization of Co-operative Laws" is a proposed project of the Co-operative Law Committee (CLC) which is a thematic committee of the International Co-operative Alliance.

[11] Develtere et al, 2008, pp 02. Develtere, P. 1993. "Co-operative Movement in the Developing Countries: Old and New Orientations. Annals of Public and Co-operative Economics. 64(2), 179-208.

[12] P.A Oluyede (1988) Administrative Law in Nigeria, University Press Plc, Ibadan. pgs 160 - 182.

[13] The Agege Planter's Union is on record as the first known modern co-operative in Nigeria. It was a group of farmers who practiced their trade within the area now known as Lagos city. However, the Gbedu Co-operative Association is on record as the first registered co-operative society in Nigeria.

of customary Nigerian laws, which predates colonialisation and survives till date. Therefore, it is hereby argued that the Co-operative Ordinance of 1935[14], was in form a law for the regulation of Nigerian co-operatives, but in substance an instrument to subject the co-operative societies to government control and suppress their revolutionary tendencies. "Modern" co-operative law has antecedents that are totally alien to local social and economic conditions[15].

Under the classical British-Indian pattern of co-operation, co-operative societies are expected to be state sponsored, under the believe/proposal that such societies would be transformed into autonomous self-reliant co-operatives of the Raiffeisen and Rochdale models as time evolves[16]. However, the "lack" of technical know-how on the handling of modern co-operatives which Munker, H. H canvassed as the reason for the statutory provision for a specialized government agency headed by a Registrar of co-operative societies, appears more like a guise to keep the societies under the control of the colonial administration. That the colonial administration in Nigeria would put in place a law to promote co-operatives, an initiative which has evolved in revolt to perceived oppression at a time of growing nationalism against colonial rule in Nigeria is very much in doubt. Further doubt is cast since the aforementioned period also coincides with a time of growing Rochdale pioneer influenced socialism in Britain[17]. Importantly, the British government in London took strategic actions against the spread of socialism on British soil, which meant some state policies were programmed against the Rochdale pioneers and its offshoots[18].

The intentions and approaches used by Britain to check cooperativism in Britain could not have been substantially different from the one employed in Nigeria, but only subject to local peculiarities. This did not however hinder the adoption of co-operatives as tools for public administration and socio-economic development in Nigeria.

Of particular importance was the approach of the defunct Western Region government of Nigeria which in 1952 adopted a policy paper titled "Co-operative Department Policy for the Western Region, Nigeria". The paper highlighted the policy framework of the government as follows[19]:

a. Expansion of the co-operative movement;
b. Inclusion of the co-operative's economic plans;
c. Stimulation of the co-operative movement towards independence; and
d. List of the facilities and services to be provided by the government. This was supported with the donation of one million pounds sterling to the co-operative movement by the government.

However, the Co-operative Ordinance of 1935 has retained its provisions to substantial extents till date, although with different nomenclatures. According to P.A. Oloyede, 1988 citing J.T

[14] The Co-operative Ordinance of 1935 is the first Nigerian legislation on co-operatives. It is a colonial era legislation. It was a British statute that was imported from Britain into the then British-Indian (now India), where it was "test-runned". Thereafter, it was transplanted into the then colonial Nigeria.

[15] E.T Yebisi (2014) Appraising the Evolution and Sources of Co-operative Societies Law in Nigeria. International Journal of Humanities and Social Sciences. According to Munker H.H (1971) New trends in co-operative law of English speaking countries, Marburg. India was one of the earliest colonies to adopt the co-operative system and law based on the British and German patterns.

[16] Munker H.H (197I) New Trends in Co-operative System and Law of English Speaking Countries, Marburg.

[17] G.D.H Cole (1951) The British Co-operative Movement in a Socialist Society. Republished May, 2020 by Routledge.

[18] G.D.H Cole (1951) supra

[19] P. A Oluyede (1988) supra

Caxton[20] stated as follows "The Co-operative Ordinance of 1935 was amended in 1938 and 1945, and was completely revised in 1948 to conform to the (British) Secretary of State's Circular, Dispatch of 1946. This dispatch laid the co-operative law for all the British Territories[21].

Thereafter, the administrative structure of Nigeria was delineated into three (3) regions, each with a government and the exclusive enablement to make laws on co-operative matters within its territory. Each region proceeded to enact its co-operative law based largely on the Ordinance of 1935[22]. The Western region in was established in 1953, the Eastern and Northern regions in 1956, and Lagos in 1958 when it became the Federal Territory. The provisions of the Co-operative Ordinance of 1935 are substantially retained till date.

This establishes a link between the intentions of the colonial administration as established above, and the intention of the Nigerian elite to suppress the co-operative movement is continuation of the class struggles between the Nigerian Bourgeoisies and Proletariats. Thus, it is safe to posit that co-operative law in Nigeria and many Africa countries is a product of class struggles. Schewettwan (2014)[23] captures the political economy of African cooperative from another angle. To the scholar traditional systems of cooperation, mutuality, reciprocity and solidarity exist in all African Societies, and remain vibrant till date. At independence, many African countries identified and harnessed co-operatives as tools for economic development and social stability often along the path of state welfarism or African socialism[24]. However, this did not defeat the fact that the co-operative movement attracted most of its members outside of the African elite class. Further, the patronage the co-operative movement enjoyed in the immediate post-colonial era were not particularly inimical to the interest of government and the elite class who saw in the movement an instrument to support their economic, social and political aspirations.

Within, the fortune of the co-operative movement grew on a blend of the ingenuity of cooperators and government support. However, the mid-1980s through the 1990s saw the beginning of the end of the once robust African co-operatives[25]. Schewettwann (supra) at page four identified two factors as responsible for the decline:

a. The Structural Adjustment Programme that changed the economic fabrics of many African states; and
b. The rapid democratization process that accompanied the Structural Adjustment Programme.

[20] Report of the Review Panel on Co-operative Principles, Law and Regulations in Nigeria,1978. Cited in P. A Oluyede (1998) supra
[21] This model of co-operative law is included in the Manual of Co-operative Law and Practice (1958) Surridge, B.J; Digby, Margaret.
[22] P.A Oluyede (1988) supra. E.T Yebisi (2014) (supra)
[23] Schewettwann, J. (2014). Co-operatives in Africa: Success and Challenges. A contribution to the international symposium on co-operatives and Sustainable Development Goals. International Labour Organisation.
[24] Akanji. A.A (2020) The Challenge of Poverty in Africa: Innovative Cooperativism Through Political Incentives. A Case Study of Nigeria. Journal Cooperativismmoy Desarallo, Universidad Cooperative de Colombia. 28 (116), 1 -22.
[25] Akanji, A.A (2020) supra

Cumulatively, the foregoing has relegated both the co-operatives in Africa and their governing laws to a level of subsistence.

Indigenous attempts at upscaling the legal frameworks in some African states

There have been several initiatives to develop the co-operative laws in Africa. These initiatives may be classified under the following:

a. Attempts by the co-operative movement: Firstly, through primary co-operative societies that put in place bye-laws for their internal control and other engagements. Secondly, through secondary co-operatives that also put in place bye-law as a representation of their consensus on the applicable policy for their various engagements[26];

b. Attempts by National and Sub-national legislature on co-operatives and allied matters: Firstly, is the ground norm of each of the states in Africa. That is the constitution of each of the sovereign African entity[27]. This is followed by the nation primary legislation on co-operatives[28], and national legislations with provisions for co-operatives[29]. Secondly, there are laws made by the legislature, of component units within each country[30]. These legislatures make primary laws that are in some cases whole devoted to co-operatives, and in other cases, legislation with few provisions for co-operatives.

The above attempts are influenced by the African political economy, particularly the variant of political economy that prevails within each jurisdiction. Cameron G. Thies[31] explores internal and external rivalries among and within African states has predatory mechanism on national development. This author takes it further by identifying some of the elements involved in the internal rivalry thereafter draw a link with the current state of co-operative law on the continent. Virtually all the countries in Africa are heterogeneous in terms of ethnic or religious composition[32]. A circumstance that had at different times catalyzed sectarian violence or civil wars[33]. Ethnic and religious beliefs form significant parts of African customary laws[34]. In the African case, ethnic and religious rivalries are the basis disagreement. Thus, finding a common group on public issues that boarder on ethnic or religion becomes a difficulty.

When this identified deficiency is combined with the earlier identified challenge of class struggle with African states, then it becomes easy to understand the reasons, the African co-operatives

[26] Virtually all co-operative legislation in Africa provide for the cooperatives to have in place bye-laws for their internal administration. For example, the Nigerian Co-operative Societies Act (supra) provides at section 11 Power of a society to make bye-laws.

[27] For example, the 1999 Constitution of the Federal Republic of Nigeria provides at section 1 (supremacy of the constitution) subsection 1 provides: "this constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria"

[28] In the Nigerian case, the Nigerian Co-operative Societies Act (supra)

[29] In the Nigerian case, the Companies and Allied Matters Act, Federal Inland Revenue Service Act etc

[30] In the Nigerian case, the co-operative law of each of the thirty-six states of the federation. For example, the Cooperative Societies Law of Oyo state, Co-operative Societies Law of Lagos State etc

[31] The Political Economy of State Building in Sub Saharan Africa. The Journal of Politics, Vol 69. No. 3 August 2007. PP 716 – 731.

[32] Fosu A. K (2018)., Governance and Development in Africa: A Review Essay. Working Paper Series No. 298, African Developmental Bank Group, Abijan, Cote d' ivoire

[33] Halvard Buhaug (2010) Climate Not to Blame for African Civil Wars. Proceedings of the National Academy of Sciences of the United States of America.

[34] Elizabeth Bakibinga – Gaswaga (2020) African Traditional Religion and Law: Intersections Between the Islamic and non-Islamic Worlds and the Impact on Development in the 2030 Agenda Era. Law and Development Review 14(1).

law retains significant relics of colonialism. In the Nigerian case, the heterogeneous composition of the country has a significant impact on her political economy. The country is an amalgamation of about two hundred ethnic nationalities, with the Hausa, Yoruba and Igbo having the highest population. Further, there is a Christian dominated south and a Muslim dominated north. Prior to the advert of the colonial administrators, there are records of animosity between the aforementioned divides. Many of these animosities resulted into tribal wars.

One of the gains of colonial administration was the reduction in these armed conflicts. The reductions were product of arbitration exercise carried out by the colonial administrators and in some cases is imposed peace treaties among warring communities. Ethnic and religious suspicious are current realities in the public policy discourse in Nigeria. It is under the camouflage of these scathing realities that corruption, and nepotism flourishes. Members of the elite class ascend power and maintain their hold on the flag of either ethnicity or religions, and in some cases both. Therefore, the elite class sees the need to maintain their hold through every means that keeps ethnic and religious sentiments paramount in the minds of the populace. Thus, the law-making processes is hinder with religious and ethnic agitations, hence aside amendments that are at the instance of the elite class, the law-making process stagnates. Some goes with the development of co-operative law.

The challenges identified above are similar in most African states.

International Legal Frameworks and Co-operative Law in Africa.

That modern Africa law has a plural configuration is settled. The origin of the plurality is in colonial, tribal, and religious influences, both imported variants of law. Religious influences started with the advent of Christianity and Islam in Africa. also has profound impact on the African law. These incursions made their marks in the development of African jurisprudence. In particular, the Sharia legal system, an imported law from the Middle East is a direct offshoot of the introduction of Islam. Today, a good number of African countries adopt the sharia as part of their jurisprudence, although at varying degrees[35].

Technically, both public and private international laws became operational on each African country at independence from colonial administration. Thus, for a country like Nigeria, the operation of International Law technically begun on the 1st of October, 1960[36].

Basically, international legal instruments from three institutions have direct applications on African countries:

a. International legal instruments from the United Nation and any of her agencies; and
b. International legal instruments from the African Union or any of her agencies; and
c. International legal instruments from any of Africa's regional bodies or any of their agencies.

In each specific case, an African country must be a signatory before such instrument could be interpreted to bind on her. More specifically, the following are the international legal instruments applicable to African co-operatives:

[35] Some of these countries are Nigeria, Sudan, Tunisia, Egypt,

[36] Nigerian obtained her independence from colonial administration on the 1st of October, 1960. From that date Nigeria gained sovereignty.

a. Universal:

(i) United Nations General Assembly Resolution 56/114 "Co-operatives and Social Development". This resolution is to encourage the governments of member states to keep under review, as appropriate, the legal and administrative provisions governing co-operatives with a view to ensuring a supportive environment for them and to project and advance the potentials of co-operatives at achieving their objectives. Accordingly, Hans Munker[37], identified the co-operatives objectives of Resolution 56/114 and how to actualize them as to be encapsulated in the "statement on the cooperative identity" of the International Co-operative Alliance (ICA). The statement is made up of a definition for co-operatives, and a list of co-operative principles and values. These principles and values which are jointly known as co-operative ethics are operate as advisory instruments on states. This is because the ICA is a private international organization, hence is recommendations and resolution cannot bind states.

(ii) International Labour Organization (ILO) Recommendation 193 (2002)

This international legal framework was adopted in June 2002. It replaced recommendation 127 which was largely structured around the needs of developing countries. Recommendation 193 was meant to address the evolution of the context in which cooperatives function. The was to serve as a template and promote uniformity in the in the administrative and legal polies on co-operatives across the world. It was built around cooperative ethics as developed by the International Co-operative Alliance. This recommendation, same as the Resolutions of the United Nations General Assembly on co-operatives and social development were necessary because of the limitations of the International Co-operative Alliance as a private international organization.

b the following challenges with OHADA[38]

i. The OHADA Regulation appeared as a surprise for many national law makers and authorities. Some of them did not even know of the existence of such law;

ii. There are resistances to apply the OHADA, because: (a) national authorities are not ready and need more time; (b) they resist because in some countries national actors and authorities were not associated to the process of law making.

Tadjudje[39] further identified the following problems with the OHADA:

ii. The OHADA made no provision for savings and credit co-operatives (SACCOs);

iii. OHADA provisions are ambiguous on the status of para-cooperatives, for example the village groups in Burkina Faso and the Common Interest Groups (CIG) in Cameroun.

The challenges identified with the OHADA are similar with what obtains in Africa countries in their attempts at domesticating other international legal frameworks on co-operatives. Hans-

[37] Hans Munker (2014) "Ensuring Supportive Legal Frameworks for Co-operatives Growth". Paper presented at the International Co-operative Alliance 11th Regional Assembly, Nairobi, Kenya 17 -19, 2014

[38] Heiz, David and Tadjudje, Willy (2013) The OHADA Co-operative Regulation, in: Cracogna et al. pp 89 -113

[39] Tadjudje, Willy (2013) La cooperative fananciere et al politique d' uniformisation du droit OHADA, in: Revue International d' Economie Sociale (RECMA), No 330, pp 67 - 72

Munker (supra) captures the problem in the following words "contents illustrate the problems which law makers may encounter when making laws "for the people" rather than "with the people".

The following positions are therefore canvassed:

i. The body of co-operative law within the various jurisdictions in Africa is currently defective due to the prevailing political economy on the continent;
ii. The prevailing political economy has produced and sustains a co-operative law that is to the advantage of a cross-section of the elite class (bourgeoisies) and disadvantageous to the co-operative movement;
iii. International legal frameworks are in the best position to provide remedial;
iv. International legal frameworks on co-operatives as currently configured are inadequate at providing the needed remedial. Consequently, a higher tiered and more elaborate international legal instrument is conceptualized.

A Proposal for A Universal Charter for Co-operatives.

The idea of a universal charter for the co-operative movement is built around the value that the Universal Declaration on Human Right[40] (UDHR) has contributed to the development of humanity. On the strength of the UDHR economic, social and political rights have been holistically articulated into human right humans in both their individual and joint capacities. By virtue of the UDHR, continents developed their own versions through domestication of its provisions e.g., Africa, same with sectors such as women and child. Further, constitutional development particularly in among the developing countries is substantially linked to the provisions of the UDHR. Currently, every constitution must pass the test of the UDHR to earn basic validity before the international community and the local populace. Thus, the section on human rights as guaranteed by the UDHR has become a fundamental component of every acceptable constitution the world over. The acceptable standard is as set by the UDHR, with the duty to integrate the standards with local peculiarities imposed on the government of each sovereign state. The following is a list of international instruments that have come after the UDHR, and have been built around the substance and success of the UDHR.

List of International Human Rights Instruments[41]:

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) - 1965
- International Covenant on Civil and Political Rights (ICCPR) - 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR) - 1966

[40] It is an international policy document that was adopted by the General Assembly of the United Nations in 1948. It contains thirty (30) main points. It laid the foundation for not only the human rights that is currently known across the world, but also the sustainable development of legal, political and socioeconomic development that the world has known.
[41] United Nations Human Rights: Office of the Commissioner

- International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - 1979
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) - 1984
- Declaration on the Right to Development (UNDRTD) - 1986
- Convention on the Rights of the Child (CRC) - 1989
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) - 1990
- Declaration on the Elimination of Violence against Women (DEWAW) - 1993
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP – 1) - 2000
- Convention on the Rights of Persons with Disabilities (CRPD) - 2006
- International Convention for the Protection of All Persons from Enforced Disappearances (ICPEP) - 2006
- Declaration on the Rights of Indigenous Peoples (UNDRIP) - 2007

The office of the High Commissioner United Nations Human Rights between the Sustainable Development Goals (SDGs) an agenda pioneered by the UN through the United Nations Development Programmed UNDP and the UDHR with the following table.

Sustainable Development Goals	Related Human Rights
End poverty in all its forms everywhere.	• **Right to adequate standard of living** [UDHR art. 25; ICESCR art. 11, CRC art. 27] • **Rights to social security** [UDHR art. 22; ICESCR art. 9; CRPD art. 28; CRC art. 26] • **Equal rights of women in economic life** [CEDAW arts. 11, 13, 14(2)(g), 15(2), 16(1)]
End hunger, achieve food security and improved nutrition, and promote sustainable agriculture	• **Right to adequate food** [UDHR art. 25; ICESCR art 11; CRC art. 24(2)(c)] • **International cooperation,** including ensuring equitable distribution of world food supplies [UDHR art. 28; ICESCR arts. 2(1), 11(2)]
Ensure healthy lives and promote well – being for all at all ages	• **Right to life** [UDHR art 3; ICCPR art. 6], particularly women [CEDAW art. 12] and children CRC art. 6] • **Right to health [**UDHR art 25; ICESCR art. 12], particularly of women [CEDAW art. 12]; and children [CRC art.24] • **Special protection for mothers and**

	children [ICESCR art.10] • **Right to enjoy the benefits of scientific progress and its application** [UDHR art. 27; ICESCR art, 15(1)(b)] • **International cooperation** [UDHR art. 28, DRtD arts. 3-4], particularly in relation to the right to health and children's rights [ICESCR art. 2(1); CRC art. 4]
Ensure inclusive and equitable quality education and promote life-long learning opportunities for all	• **Right to education** [UDHR art. 26; ICESCR art. 13], particularly in relation to children [CRC arts. 28, 29]; persons with disabilities [CRC art. 23(3), CRPD art. 24]; and indigenous peoples [UNDRIP art. 14] • **Equal rights of women and girls in the field of education** [CEDAW art. 10] • **Right to work, including technical and vocational training** [ICESCR art. 6] • **International cooperation** [UDHR art. 28; DRtD arts. 3-4], particularly in relation to children [CRC arts. 23(4), 28(3)], persons with disabilities [CRPD art.32], and indigenous peoples [UNDRIP art. 39]
Achieve gender equality and empower all women and girls	• **Elimination of all forms of discrimination against women** [CEDAW arts. 1-5] and girls [CRC art. 2], particularly in legislation, political and public life (art. 7), economic and social life (arts. 11, 13), and family relations (art. 16) • **Right to decide the number and spacing of children** [CEDAW arts. 12, 16(1)(e); CRC art. 24(2)(f)] • **Special protection for mothers and children** [ICESCR art. 10] • **Elimination of violence against women and girls** [CEDAW arts. 1-6; DEWAW arts. 1-4; CRC arts. 24(3), 35] • **Right to just and favourable conditions of work** [ICESCR art. 7; CEDAW art. 11]
Ensure availability and sustainable management of water and sanitation for all	• **Right to safe drinking water and sanitation** [ICESCR art. 11] • **Right to health** [UDHR art. 25; ICESCR art. 12]

	• **Equal access to water and sanitation for rural women** [CEDAW art. 14(2)(h)]
Ensure access to affordable, reliable, sustainable and modern energy for all	• **Right to an adequate standard of living** [UDHR art. 25; ICESCR art. 11] • **Right to enjoy the benefits of scientific progress and its application** [UDHR art. 27; ICESCR art. 15(1)(b)]
Promote sustained, inclusive and sustainable growth, full and productive employment and decent work for all	• **Right to work and to just and favourable conditions of work** [UDHR art 23; ICESCR arts. 6, 7, 10; CRPD art 27; ILO Core Labour Conventions and ILO Declaration on Fundamental Principles and Rights at Work] • **Prohibition of slavery, forced labour, and trafficking of persons** [UDHR art, 4; ICCPR art 8; CEDAW art. 6; CRC arts. 34-36] • **Equal rights of women in relation to employment** [CEDAW art. 11; ILO Conventions No. 100 and No. 111] • **Prohibition of child labour** [CRC art. 32; ILO Convention No. 182] • **Equal labour rights of migrant workers** [CMW art. 25]
Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation	• **Right to enjoy the benefits of scientific progress and its application** [UDHR art. 27; ICESCR art. 15(1)(b)] • **Right to access to information** [UDHR art. 19; ICCPR art. 19(2)] • **Right to adequate housing**, including land and resource [UDHR art. 25; ICESCR art. 11] • **Equal rights of women to financial credit and rural infrastructure** [CEDAW art. 13(b), art. 14(2)]
Reduce inequality within and among countries	• **Right to equality and non-discrimination** [UDHR art 2; ICESCR art. 2(2); ICCPR arts. 2(1), 26; CERD art. 2(2); CEDAW art. 2; CRC art. 2; CRPD art. 5; CMW art. 7; DRtD art. 8(1)] • **Right to participate in public affairs** [UDHR art. 21; ICCPR art. 25; CEDAW art. 7; ICERD art. 5; CRPD art. 29; DRtD art. 8(2)] • **Right to social security** [UDHR art. 22;

	ICESCR arts. 9-10; CRPD art. 28] • **Promotion of conditions for international migration** [CMW art. 64] • **Right of migrants to transfer their earnings and savings** [CMW art. 47(1)]
Make cities and human settlements inclusive, safe, resilient and sustainable	• **Right to adequate housing** including land and resources [UDHR art. 25; ICESCR art. 11] • **Right to participate in cultural life** [UDHR art. 25; ICESCR art. 15; ICERD art. 5, 7; CRPD art. 30; CRC art. 31] • **Accessibility of transportation, facilities and services** particularly of persons with disabilities [CRPD art. 9(1)], children [CRC art. 23], and rural women [CEDAW art. 14(2)] • **Protection from natural disasters** [CRPD art. 11]
Ensure sustainable consumption and production patterns	• **Right to health** including the right to safe, clean, healthy and sustainable environment [UDHR art. 25(1); ICESCR art. 12] • **Right to adequate food and the right to safe drinking water** [UDHR art. 25(1); ICESCR art. 11] • **Right of all peoples to freely dispose of their natural resources** [ICCPR, ICESCR art. 1(2)]
Take urgent action to combat climate change and its impacts	• **Right to health** including the right to safe, clean, healthy and sustainable environment [UDHR art. 25(1); ICESCR art. 12; CRC art. 24; CEDAW art. 12; CMW art. 28] • **Right to adequate food & right to safe drinking water** [UDHR art. 25(1); ICESCR art. 11] • **Right of all peoples to freely dispose of their natural wealth and resources** [ICCPR, ICESCR art. 1(2)]
Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss	• **Right to health** including the right to safe, healthy and sustainable environment [UDHR art. 25(1); ICESCR art. 12; CRC art. 24; CEDAW art. 12; CMW art. 28] • **Right to adequate food & right to safe drinking water** [UDHR art. 25(1); ICESCR art. 11]

	• **Right of all peoples to freely dispose of their natural wealth and resources** [ICCPR, ICESCR art. 1(2)]
Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels	• **Right to life, liberty and security of the person** [UDHR art. 3; ICCPR arts. 6(10, 9(1); ICPED art. 1] including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)] • **Protection of children from all forms of violence, abuse or exploitation** [CRC arts. 19, 37(a), including trafficking (CRC arts. 34-36; CRC-OP1] • **Right to access to justice and due process** [UDHR art. 8, 10; ICCPR arts. 2(3), 14-15; CEDAW art. 2 (c)] • **Right to legal personality** [UDHR art. 6; ICCPR art. 16; CRPD art. 12] • **Right to participate in public affairs** [UDHR art. 21; ICCPR art. 25] • **Right to access to information** [UDHR art. 19; ICCPR art. 19(1)]
Strengthen the means of implementation and revitalize the global partnership for sustainable development	• **Right of all peoples to self-determination** [ICCPR, ICESCR art. 1(1); DRtD art. 1(1)] • **Right of all peoples to development,** & **international cooperation** [UDHR art. 28; ICESCR art. 2(1); CRC art. 4; CRPD art. 32(1); DRtD art. 3-5] • **Right of everyone to enjoy the benefits of scientific progress and its application**, including international cooperation in the scientific field [UDHR art. 27(1); ICESCR art. • **Right to privacy** [UDHR art. 12; ICCPR art. 17], including respect for human rights and ethical principles in the collection and use of statistics [CRPD art. 31(1)]

The above table is a practical reflection of the position of the UDHR as a foundational and parental international legal instrument from which other international legal or policy instruments have been built and could be built. As captured above, the UDHR served as a template for the framework of the sustainable development goals. the co-operatives require an equivalent of the UDHR to address its challenges, particularly the development of the governing laws in Africa. The Universal Charter for Co-operatives is conceptualized to draw its strength as an extension of

the UDHR with adoption of provisions of the ILO Recommendation 193 of 2002 and the resolution of the co-operative constituents, particularly an African co-operative constituent.

Conclusion and recommendations.

The development of law in Africa has been a blend of both home grown initiatives and the guidance of international legal instruments. The homegrown initiatives are often at the instance of the disadvantaged groups such as the co-operatives. At such instances the initiatives are largely encumbered by elitist elements through government mechanism. Thus, there is the imperative of having in place an international framework for the needed remedial, much on the exploit of the UDHR which has been the foundation for the development of social and political rights in Africa.

Therefore, this research arrived at the following:

(a) there is proposed the convening of a general assembly for the development and harmonization of co-operative law;
(b) this general assembly is proposed to be organized under the guidance of the ICA, ILO and the UN;
(c) the proposed general assembly should have as many representatives as the voting slots of each of the apex co-operatives on the general assembly of the ICA;
(d) each of the apex co-operative should have on its team, at least one legal practitioner with the authorization to practice law in the home country;
(e) the general assembly and its activities should be coordinated under a team of experts by from the ICA, ILO, UN;
(f) the general assembly should arrive at a resolution that not only harmonizes but sets a standard for cooperative law;
(g) the resolution should replicate the UDHR with a focus on co-operatives and their governing laws; and
(h) the proposed resolution becomes the Universal Charter on Co-operatives.

Bibliography

1999 Constitution of the Federal Republic of Nigeria.

Akanji. A.A (2020) The Challenge of Poverty in Africa: Innovative Cooperativism Through Political Incentives. A Case Study of Nigeria. Journal Cooperativismmoy Desarallo, Universidad Cooperative de Colombia. 28 (116), 1 -22.

Develtere et al, 2008, pp 02. Develtere, P. 1993. "Co-operative Movement in the Developing Countries: Old and New Orientations. Annals of Public and Co-operative Economics. 64(2), 179-208.

E.T Yebisi (2014) Appraising the Evolution and Sources of Co-operative Societies Law in Nigeria. International Journal of Humanities and Social Sciences. Vol.4 no. 6(1).

Elizabeth Bakibinga – Gaswaga (2020) African Traditional Religion and Law: Intersections between the Islamic and non-Islamic Worlds and the Impact on Development in the 2030 Agenda Era. Law and Development Review 14(1).

Fosu A. K (2018)., Governance and Development in Africa: A Review Essay. Working Paper Series No. 298, African Developmental Bank Group, Abijan, Cote d' ivoire.

G.D.H Cole (1951) The British Co-operative Movement in a Socialist Society. Republished May, 2020 by Routledge.

Hagen Henry (2012) Guidelines for Co-operative Legislation. Third Revised Edition. International Labour Organisation.

Halvard Buhaug (2010) Climate Not to Blame for African Civil Wars. Proceedings of the National Academy of Sciences of the United States of America.

Manual of Co-operative Law and Practice (1958) Surridge, B.J; Digby, Margaret.

Munker H.H (1971) New Trends in Co-operative Law of English Speaking Countries, Marburg.

Nigerian Co-operative Societies Act Cap N98, Laws of the Federation of Nigeria, 2004.

Organisation for the Harmonization in Africa of Business Law (2010).

P.A Oluyede (1988) Administrative Law in Nigeria, University Press Plc, Ibadan. pgs 160 – 182.

Report of the Review Panel on Co-operative Principles, Law and Regulations in Nigeria,1978.

Schewettwann, J. (2014). Co-operatives in Africa: Success and Challenges. A Contribution to the International Symposium on Co-operatives and Sustainable Development Goals. International Labour Organisation.

Tadjudje, Willy (2013) La cooperative fananciere et al politique d' uniformisation du droit OHADA, in: Revue International d' Economie Sociale (RECMA), No 330, pp 67 – 72.

The Co-operative Ordinance of 1935 (Nigeria).

The Political Economy of State Building in Sub Saharan Africa. The Journal of Politics, Vol 69. No. 3 August 2007. PP 716 – 731.