Chapter One Introduction

1.1 Background to the Study

This chapter introduces the thesis, the very essence is to equip a reader with the basics of what informed this thesis and what to expect in subsequent chapters. The subject of sustainable development has been exhaustively discussed in various spaces across the globe. It has been discussed along philosophical thoughts by the modernists, liberals, and conservatives. Sustainable development has also been discussed by practitioners and members of the research community[1]. Down the memory lane, there have been significant contributions to the subject of sustainable development with works of the stoic philosophers, the proclamation of the Magna Carta, the Charter of the Forest, the Universal Charter on Human and People's Rights, the Brundtland Report of 1987, the Millennium Development Goals (MDGs), the more recent Sustainable Development Goals (SDGs), the works of the United Nations Development Programme, Future earth and other similar organisations[2].

Sustainable development has also made extensive contributions along geographical zones. In Africa, nationalist struggles, as encapsulated by the works of foremost nationalists and their teaming supporters during the colonial era, set the pace for sustainability programme such as the rested MDGs, and SDGs that we have today[3]. The modernization theory gave impetus to the thinking that colonialization was a bane to the development of African states and that immediate independence was an imperative. Furthermore, the modernization theory promoted the thinking that upon the independence, of African states would experience meteoric rise in socioeconomic development under self-rule[4]. This was more particularly believed within the hopes that self-rule would be anchored around the leaders of the nationalist movements.

However, the realities of the post-colonial era have brought to the fore the incapacity of African states to attain in the nearest future, some of the agendas proposed by foremost African nationalists, hence the resort to dependency. The dependency theory, unlike the modernization theory, is more accommodating to the realities of African states. It posits that, although African states got their independence from their various colonial masters such, as Britain, France, Belgium, Portugal, Spain and Italy, the supposed liberty was at best partial[5].

The economic and social mechanism in the former colonies remained firmly held by the former colonial administrators. Consequently, political independence was only partial.

Given the foregoing, attempts at sustainable development started off on a shaky ground. The reality was that power in its peripheral form domiciles within African states; on the other hand, the substance of power resides Africa. The relationship between the two could only be "frosty", given that leadership in the African states are on many fronts ''agents'' of the former colonialists and their interest at the detriment of African states and her peoples[6].

In Nigeria, which serves as the primary research locale of this thesis, sustainable development has been anchored on the strength or otherwise of the country's political development and has been extensively discussed by the practitioners, politicians, political scientists and the academia[7]. This discussion has transcended the pre-colonial, colonial and post-colonial Nigeria[8]. The post-colonial era has been of particular interest to many researchers due to among others, the influence of factors such as the traditions of the various ethnic nationalities within Nigeria, the effects of colonialism, neo-colonialism, military rule, democracy, and globalization. Much as all the aforementioned are contributory to the state of socio-economic development of the country[9].

As obtained in several African societies, the various societies in Nigeria had in place elements of attempts towards the implementation of sustainable development. These are embedded in some of their philosophical thoughts such as the omoluabi and *omoluabism* among the Yorubas of the western part of Nigeria odogwu and odogwuism from the eastern part of the country. Beyond Nigeria, there were similar concepts within several indigenous African societies. These include: the Ubuntu, Ujaaamah etc. These concepts have similarities with much celebrated ideologies, such as stoicism and the Magna Carta. Unfortunately, in the African case, these concepts were not properly documented. In the place of documentation, there were intergenerational transfers of the ideologies through oral traditions[10]. These orally transmitted traditions had to compete, and many times unfavourably with imported variants which had the fortunes of proper documentation and government support. Therefore, the potentials of African indigenous ideas of sustainable development have not been optimized.

In its place, colonial Nigeria was built around a hybrid of imposition of British ideas and interest, on the one hand, and fierce contest for supremacy among the three major ethnic nationalities, namely; Hausa, Igbo and Yoruba, on the other hand. These variables thereafter culminated into a mal-structured system of governance in the post-colonial era that survives till date[11]. The agitation for independence was immersed in the hopes of total political freedom, and improved social and economic development for the citizens. However, those dreams of modernization, which were initially firmly held, gradually slid into nothingness, paving the way for dependency either on the former colonial masters or other world powers such as the Western world, initially, and presently, China[12].

Ethnic rivalry and the incursion of the military into politics triggered a Nigerian civil war that lasted from 1967 to 1970. The effects of the civil war reconfigured the fabrics of the

Nigeria state from the dreams of greatness to one left with the aspirations for survival. Since the end of the civil war, Nigeria has had to grapple with the rise of ethnic and to some extent religious militias such as Maitashe, Boko haram, Bakassi boys, Odua People's Congress, Niger Delta militias[13]. The various activities of these militias presents in largely unequivocal terms the diverse interest that sustains the polarization of the country. However, Nigeria is not all about negative reports, for the first time in her history, the country has succeeded in having uninterrupted democratic rule for over twenty years (1999 – 2023) to compliment her political independence[14].

Furthermore, Nigeria runs a tripartite constitutional democracy with legislative, executive and judiciary arms. This fact evidences the running a modern system of governance in accordance with universal best practices. A succession of four democratically elected administrations at the level of the federal government from 1999 till date are testimonies of a people's consistence at attaining political stability, a factor which is correlative to sustainable development[15]. The drive for sustainable development in its truest sense, one that provides support for effective development in the instance, and as well makes effective provisions for the future in Nigeria can only be anchored on effective public administration. However, public administration in Nigeria is largely structured around the earlier identified ethnic and religious interests, added to this is the interest of party politics[16].

The current peculiarity of public administration in the country is substantially captured with Harold Lasswell's definition of politics as "who gets what, when and how?". In the Nigerian case, resultant challenges have been both violent and non-violent conflict, many of these sustained by the earlier identified ethnic and religion influenced partisan politics, and most strikingly, a government officials/elites versus people contest. This has over

time constituted a drawback on progressive development and consequently, non-sustainability in the various development programmes[17].

The foregoing is the narrative of a country with enormous human and material resources, but a below per development index. The situation is synonymous with what obtains in many African countries and other countries of the global-south classification. These countries otherwise tagged as developing countries, have many in their ranks endowed with reasonably high level of human and material resources. Unfortunately, these potentials do not translate to sustainable development. One of the striking features of Nigeria's underdevelopment is that the country has never experienced any devastating environmental disaster, and the fortune from the oil boom was instrumental to the recovery from the devastating effects of the Nigerian civil war (1967-1970)[18].

From the time of discovery of petroleum in Oloibiri, in present day Bayelsa State, particularly in the aftermath of oil boom in the early 1980s, rent from the exploration of crude oil has remained a stable source of revenue to successive Nigerian governments till date. What could be the reasons behind the underdevelopment of the Nigerian state? The answer to the above question might be potent at not only unraveling the factors behind the underdevelopment challenges in Nigerian and many states of the global-south, but also at proffering solutions to the challenges of underdevelopment. The administrative inefficiency of the Nigerian state has highlighted above is on the one part a reflection of lack of appropriate remedial, in the instant case a problem solving non- governmental and citizens oriented socioeconomic solidarity, much as found in the cooperatives[19].

However, whereas the Nigerian cooperative movement has enourmous potentials, it is currently in an abysmal state. The inefficiency of Nigerian cooperatives, which shall be gleaned from their administration, management, and their contributions to national

development in the later parts of this thesis rather complicates the problem. The inefficiency of Nigerian cooperatives is argued to be reasonably link to their governing laws which are archaic and replications of colonial era cooperative statutes. It has been argued that, co-operatives thou privately owned are an integral component of the Nigerian public administration[20]. Thus public administration is an Essential Component of the Nigerian State.

It is a reflection of many variables, such as the country's colonial history, post-colonial history geography, military rule, democratic rule, external input from foreign intervention and knowledge gleaned from comparative studies and law[21]. It is also a reflection of the various stages the country has been through, such as the first, second, third, and the current fourth republic. Public administration in Nigeria is a product of the various national development policies that had characterised each of the aforementioned republics[22].

A consistent variable is the enormous challenges confronting the politics, and the myriad of challenges bewildering the governance of the country. Politics and some politicians in Nigeria are in part sources of challenges, while the public service with some career public servants constitute another sector of challenges to the smooth administration of the country[23]. These two sectors cumulatively constitute clogs in the wheels of the smooth administration of development in the country. The foregoing, among others, supports the calls for the restructuring of the country. Proponents of the restructuring of the country anchor their campaign on the need for a remedial of a mal-structured state, promote inclusiveness, support social justice, political stability and socio- economic development.

But the country as currently structured "appears" inclusive and positioned to support equality and social justice. This is in view of the elaborate framework that is currently

operational for the public administration in Nigeria. The reasons for these assertions are herein highlighted below.

Nigeria is currently structured into a three-tiered model of governance with one (1) federal government, thirty-six (36) sub-national governments, and seven hundred and seventy-four (774) local governments[24]. These tiers of government were established and recognized by the 1999 Constitution of the Federal Republic of Nigeria. At both the federal and subnational level of government, there are several ministries, departments and agencies

(MDAs) each saddled with specific duties; such as education, health, policing, defense, external affairs to support the MDAs are the various committees of the National Assembly and State Houses of Assembly in charge of education, health, welfare, markets, parks, securities.

Furthermore, the legislature is made up of a bicameral National Assembly at the federal level, consisting of 109 senators; 3 senators represent each of the 36 states, and 1 senator representing the Federal Capital Territory. The Federal House of Representatives is the lower house of the National Assembly; it has 360 members, with each 36 states and the FCT well represented[25]. There is unicameral legislature in each of the 36 states. On its part, the judicial arm of the Nigerian governments is composed of the superior courts:

i. The Federal High Court and its equivalents.

ii. The Court of Appeal.

iii. The Supreme Court.

To complete the lists are the courts of summary jurisdictions which operates with different nomenclatures such as:

i. Magistratecourt
ii. Area courts
iii. Sharia courts
iv. Customary courts.

The foregoing supports the claims that Nigeria has a structure for the proper governance of the country. On the contrary, other facts points to a poorly run country. Therefore, proponents of the restructuring of the country acknowledge this huge governance structure but continue in their campaign for restructuring in view of the poor development index. Several inferences support the claim that the problem with the governance of Nigeria lies with the form, others present the problem as one of substance, another school of thought supports the assertion that the problem lies in both the form and the substance. However, consistence lies in the reasonably high level of protection, which is accorded the interest of the economic and political elites across the various divides in the country[26]. On the contrary, the middle and the lower classes are immersed in gross uncertainties in the pursuit of their socio-economic interests. They are often on the receiving end of the maladministration, which is resultant from the mal-structured Nigerian system, hence disadvantaged on the socio-economic political adventures.

The result is a vicious circle for the commons. Given that cooperatives is majorly subscribed by commons, it results in the inability of Nigerian cooperatives to empower themselves against their systemized disempowerment by the economic and political elites, primarily with the instrumentality of law. Consequently, the current state of Nigerian

cooperatives and their governing laws has a strong link with class struggles. Attempts to address the challenges are not new, as they were the original reasons canvassed for the military take-overs of government, same with many transitions from military to democratic rule. They were also the reasons for the various national developmental plans/policies which were at one time or the other put in place in Nigeria[27].

The way forward would appear to require a departure from the current policies and the adoption of multidisciplinary approaches. Given that the challenges are multi-facet and perspectives are diverse on the most appropriate model for redressing the vicious Nigerian political and socio-economic problems. The bulk of these identified problems have been discussed and researched by many scholars, particularly around the works and activities of politics, politicians, and the public/civil servants[28].

However, few efforts have been made into the roles of the people; citizens acting in solidarity and non-government actors in the administration of socio-economic and in particularly the implementation of sustainable development of Nigeria. Even when researches on the roles of the people in their private capacities and other non-government actors are made, they have been restricted albeit unconsciously to the participation of the organized private sector in the Nigerian economy[29]. Thus, many of such works tend to look at non-government sector from the view-point of the micro, small, medium and large scale private business/economic participation.

Added to this, is the configuration of the Nigerian political economy upon which the evaluation of private and non-government input into the economy is made. A swift move from British styled parliamentary system of government, one of the foremost legacies of

British colonialization in Nigeria, on the wings of military rule to the current United States of America styled federal democracy has gradually transformed Nigeria, perhaps from a quasi-welfarist state to a capitalist state. The above is the realities of the Nigerian state. Consequently, remedial and repositioning of socio-economics are often viewed from the viewpoint of the framework of the country's public administration and development administration, has been channelled along a capitalist position.

This capitalist school of thought is by some measure competent, however it is not suitable for all seasons and purposes. This is because the model has continued to bring forth very similar variant of results. While the model cannot be out rightly condemned or relegated, it obviously requires some supplement. Such strategic supplement must prove to be times and places tested, with capacities to link the local, national and international. The envisaged supplement, resides more in non-government actors, building and running enterprises that reconciles economic and social considerations in manners that upholds cooperation and
solidarity.

Thus for the administration of development in Nigeria, both the politics and public administration of the country along with the private sector of the economy are identified to face the imperative of synchronized along citizens built and centred cooperation and solidarities. This approach acknowledges that the tiers of government in Nigeria have been unable to neither maximize the potentials available to them nor achieve results that correspond to input. Therefore, the way forward would require supplements, and in some cases alternatives outside of government, hence an evaluation of variants or strands of

citizens based solidarities for socio-economic development of both the people and the state. The most efficient of the proposed is appears to be found in the cooperative movement, particularly in the more encompassing philosophy of cooperativism; collectives, cooperatives, cooperation and solidarity economics.

Given the above, this study will be anchored onto the utilization of cooperativism for public administration, particularly the implementation of sustainable development. More precisely, the study will attempt to evaluate how the interplay of public administration and law, with cooperatives and cooperative law as primary tools can be optimized to be a remedial to the deficiencies in the current approaches to the implementation of sustainable development in Nigeria.

1.2. Statement of the Problem

This thesis is aimed at contributing to the body of knowledge on the intersection of Public Administration, Law and Sustainable development initiatives. The emphasis is on cooperatives and their governing laws as mechanism for public administration. Cooperatives are sub-optimally utilized within the administrative framework in Nigeria, a situation similar with what obtains in many states of the global-south. A substantial portion of efforts aimed at utilizing cooperatives have been on subsistence adventures, such as poverty alleviation programme, thrift and micro credit, basic social financing, etc. Rarely are cooperatives employed for macro-economic adventures, such as: provision of electricity, telecommunication, conventional banking, large scale housing, large scale agriculture, petroleum sector, and provision of health services etc. The defunct Western region of Nigeria offers an earlier departure from what currently obtains. In 1954, under the leadership of the Western Nigerian cooperative development policy was adopted. The policy supported several initiatives which integrated cooperatives into public administration, hence coordinated the intersection of state and her people. The initiative

was built on agriculture and allied industries, with revenue generated used to support, education, health, and infrastructural development. However, the incursion of military into Nigerian politics brought an enormous degree of policy summersaults, hence the gains could not be consolidated.

One of the core challenges lie in obsolete state of their laws, further to this is the lack of a melting point between studies of cooperatives and cooperative law. Another pronounced problem is the absence of a standard philosophy for Nigerian cooperatives. Although researchers and practitioners from a broad range of disciplines possess the background to work with cooperative, they do their work to the exclusion of cooperative law. Furthermore, the cooperative researchers with legal backgrounds discharge their duties to the exclusion of their colleagues from other disciplines. Thus, inter-disciplinarity and it supposed gains are lost. Researchers with requisite qualification to work on both cooperatives and cooperative law are very few, this is same with works that addresses both disciplines. The identified challenge has taken its toll even at the highest level of regulation, governance and research on cooperatives. ICA have different thematic committees for research of cooperatives and cooperative law, Committees on Cooperative Research (CCR), and Cooperative Law Committee (CLC). In reality, neither cooperatives nor cooperative law is complete without the other.

1.3. Aim and Objectives of the Study

The main aim of this research is to show how the philosophy of cooperativism could lead to better administrative policies for efficiency, if ably supported with sterling legal frameworks, ultimately ensuring sustainable development in Nigeria. The following are main objectives of this studies:

i. to identify reasons for Nigeria's underdevelopment from the lenses of public

administration and law;

ii. to identify the challenges with the implementation of sustainable development agendas in Nigeria from the lenses of public administration and law;

iii. proffer support mechanism for the Nigerian public administration and administrative law; iv. develop a standard philosophy for the Nigerian public administration or its subunit as a pathway to review applicable laws; and

v. to explore how the philosophy of cooperativism could be developed to address the challenges of underdevelopment in Nigeria, thus ensuring sustainable development.

1.4. Research Questions

1. What are the political and legal reasons for Nigeria's underdevelopment?

2. What are the political and legal challenges hindering the implementation of sustainable development agendas in Nigeria ?

3. What is the most appropriate measure to provide remedy the Nigerian public administration and administrative law?

4. What standard philosophy of is most suitable for the Nigerian public administration ? and

5. How could the philosophy of cooperativism be employed to address the challenges of underdevelopment in Nigeria?

1.5. Significance of the Study

The primary aim of this thesis is to qualitatively expand the frontier of sustainable development within the framework of public administration in Nigeria. This it seeks to

achieve by canvassing for the upgrade of cooperative practices and the review of cooperative laws in the country. It is believed that the interplay of advanced cooperatives through reviewed cooperative law would produce a new model more suitable for the public administration of Nigeria. Sequel to this work, there have been some studies on the Nigerian cooperatives, and a few on cooperative laws in the country. However, this work will earn its uniqueness as it takes both cooperatives and cooperative law together, hence it will gain a reasonable degree of being a novel idea and a valuable contribution to knowledge, both for theoretical and practical usage. The primary beneficiaries are the Nigerian state, her people, and the universal cooperative movement, particularly those of the global south. It is hoped that this work will unravel the deficiencies in cooperatives, cooperatives and allied legislation in Nigeria, and also identifying how such has impacted negatively on public administration and sustainable development in the country. It also serves to equip the private sector at embracing the cooperative model, while at the same time retaining its private sector identity.

1.6. Scope of the Study

This research work is expected to substantially cover the fields of cooperatives, the social solidarity economy, law; particularly cooperative law, and public administration. Importantly, it seeks to draw an intersection between the named variables and how they impact on sustainable development. The work delves substantially into the known fields as aforementioned, the various works done and their authors, it will also identify the gaps in what is already known, which it will harness to unravel the unknown. This study seeks to cover the identified fields and draw intersection to fortify public administration towards the improved implementation of sustainable development in Nigeria, and the larger global-south. It is proposed, that the study is completed within thirty-six months from commencement.

1.7 Limitation of the Study

The study on Cooperativism, Administrative Law, and Sustainable Development in Nigeria faces several limitations that underscore the need for a Universal Charter for Cooperatives. Firstly, the lack of comprehensive data and research on the cooperative sector in Nigeria hampers a thorough analysis. This scarcity impedes a clear understanding of the sector's contribution to sustainable development. Secondly, the legal and administrative framework governing cooperatives in Nigeria is fragmented and lacks coherence, making it challenging to create a conducive environment for cooperative growth. Moreover, the study may not adequately capture the diverse challenges faced by cooperatives across Nigeria's culturally and economically varied regions. To address these limitations and promote cooperative development, a Universal Charter for Cooperatives could offer standardized guidelines and principles, fostering a more sustainable and equitable future.

1.8 Operational Definitions of Terms

1. Commons: Many writers have ascribed different meanings to the word, commons. This variation depends on the background of the writers and the subject they wish to address view the use of the word commons as a variety of informal norms and values employed as a governance mechanism. Others define the commons as a social practice of governing a resource not by state or market but by a community of users that self-governs the resources through institutions that it creates. In this work, the commons refers to the Marxian havenots, or in other word the disadvantaged classes.

2. Co-operativism: Refers to the entirety of thoughts and practice as done by cooperatives and co-operators. Cooperative societies are an autonomous association of persons united, voluntarily to meet their common economic, cultural needs and

aspirations through a jointly owned and democratically controlled enterprise. Cooperatives have been with man from time immemorial, with fact supporting the assertions that the practice is as old as people living in groups for security and economics purposes.

3. Cooperative Law: The significant contributions of the cooperative movement economic and social development in virtually every corner of the world, coupled with their history of resilience to crisis and thus sustainability, their uniqueness as principles-based enterprises that are member owned and controlled continue to attract the attention of citizens, development partners, public and private institutions. Cooperatives reconcile the need for profitability with the non-economic needs of their members set them apart from business established solely for profit, and thus requires laws that recognize their specificities.

4. Democratization: Democracy is a culture that involves constant indoctrination. We learn democracy same way. We learn orderliness and other forms of acceptable behaviours. The fact that democracy is learnt subjects its acculturation to the dynamics of times and places. This one of the most significant reasons behind the diversities in the models of democracy across the globe. The acculturation of democracy is the application of democratic principles, it involves the introduction and institutionalization of democratic tenets into a system of democracy. Although, the word democracy is often ascribed to politics, it also has substantial relevance to political economic as it is about access to socioeconomic benefits which are the real goals of political participation.

5. Public Administration: The formulation and implementation of public polies is the very essence of government. This involves the establishment and running of several government offices and units. These administrative establishments go with numerous

nomenclatures e.g. ministries, departments and agencies. They are manned by civil or public employees who provide the needed manpower. The core aim of both establishment and personnel is the functional efficiency of government. In this work, public administration is discussed with emphasis on cooperatives, and administrative law.

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Chapter Two Literature Review

2.1 Conceptual Review

This chapter is purposely to present similar works that were earlier done by other scholars on the subject matter, or on allied topics. It brings to fore the template upon which this thesis seeks to derive its validity.

2.1.1 The Political Review of Cooperativism

Since post-colonial Nigeria has failed to fulfil socio economic expectations and much of the reason for the dismal output have been linked to the below average performance of government, and the corrupt practices in the handling of issues of public affairs. It is import to identify new models for sustainable development in Nigeria. These new models are preferably and primarily those with clear departure from the old[1]. These new thinking, demands the earlier canvassed citizens lead solidarity as seen in the cooperative movement is mobilized as supplement and alternatives to government in the provision of socio economic overheads such as: electricity, education, health, telecommunication, transportation, banking, insurance and so on.

Nigerian cooperative societies otherwise referred to as the Nigerian cooperative movement have played significant roles in the socio economic development of the country. These impactful contributions started since the pre-colonial era. They were very important partners in the developmental policies of the colonial government and continued to play this role effectively in the post-colonial Nigeria. However, the challenges of the late 1980s and the early 1990s saw a downturn in the fortunes of Nigerian cooperative movement, and

their contributions to the Nigerian economy, and the effective partnership they previously formed with the Nigerian government[2].

Currently, the number of cooperatives in Nigeria is on the increase, but the value they add is below what they added in years past. Nigerian cooperatives are now largely thrift and credit societies, or more precisely, small and medium scale credit unions. This indicates, the practice of cooperatives in Nigeria is at a distance from what obtains in many countries of the world, particularly the developed and developing states of Europe, Asia and the Americas. In Europe, Asia and the Americas, aside the practice of credit societies and unions, cooperatives are also actively involved in the provision of macro services such as banking, insurances, housing, industry, services, agriculture and fisheries. Aside the foregoing, these cooperatives also play active roles in politics, with Japan, Philippines, England among others as leading examples[3]. This has over the years cumulated into the cooperative movement in these countries climbing the ladders and attaining commanding heights in contributions to sustainable development in their various countries. Thus, they have earned their places as partners in the implementation of the Sustainable Development Goals (SDGs), an initiative of the United Nations Development Programme, and other national development plans[4].

Having identified the fact that Nigeria cooperative movement as currently constituted lacks the capabilities to effectively partner with government or solely actualize the SDGs in Nigeria, this study proceeds toward unravelling the reasons for their current incapacities, thereafter proffers appropriate remedies. At doing this, both cooperatives and cooperative law are treated as what they are; twin tools for sustainable development.

Consequently, both were concurrently and jointly appraised for public administration and sustainable development of Nigeria[5]. The cause of action is built around the following:

a. The development of a standard philosophy for Nigerian cooperatives; and

b. The development of a universal charter for cooperatives as an enabling international policy and legal framework for Nigeria and other countries with similar problems. This study serves as a reference material for government, development partners, practitioners, and cooperative researchers from multiple disciplines particularly, law, social sciences and management sciences.

Widely acknowledged is the recognition of cooperatives as essential components for poverty alleviation. Since the colonial period, cooperatives have been promoted in virtually all

African countries, hence significant growth of the movement. Currently, about seven in every 100 Africans, including children and the elderly holds membership of a cooperative society, while the number of cooperatives in most countries continue to increase[6]. However, known challenges confronting the cooperative movement in African states persists. This brings to fore questions around cooperative development in African states. It is important that this assessment begins with a brief history of cooperative development on the continent to put the discussion in its proper context.

2.1.3 Historical Review

The history of cooperative development in post-colonial African states may be categorized into two: (a) the era from immediate post-colonial period, 1960's to mid-1990s; and (b) the era of global economic reforms, mid 1990's to the present, which is characterized liberalization of economies[7]. The first era was characterized with strict government regulation and control of cooperatives through administrative policies, and legislation that

promoted cooperatives as vehicles for catalysed national socio-economic development The second era is characterized by contrasting value systems, that whereas the legislation and administrative policies remain, governments seeks to free cooperatives from its control. This

"independence" is assumed by to serve as an enabler of autonomy for cooperatives, hence in theory they operate like business ventures responding to market demands[8].

After independence, cooperative policies particularly through legal frameworks gave African governments powers to direct and manage the affairs of cooperatives. In most cases, the role of promotion, control and guidance of the movement was vested in special cooperative development departments or ministries that gave these organizations monopolistic positions in the economy[9]**.** For instance, in agricultural marketing, cooperatives were made the sole agents of State Marketing Boards responsible for processing and marketing export crops like cocoa, coffee, cotton and pyrethrum. These organizations were mandated by the Boards to buy the produce from the farmers and process it for export. Though cooperatives received little from the Boards for their services, such a monopolistic position ensured their survival; for it became the responsibility of the farmers to join the cooperatives if they were to sell their produce[10].

Moreover, state-sponsored agricultural credit schemes were also administered through these cooperatives, which provided another incentive for farmers to join cooperatives. Subsequently, the state quickly brought cooperatives under its control, not just to promote economic development, but also to create jobs for political supporters and use them for other political ends[11]. Thereafter, the cooperative movements got engulfed into the murky

waters of state politics. Thus, they gradually lost their voluntary character which is ordinarily drawn from the cooperative principle of democratic member control.

Suffice to state, that state control of cooperatives was is partly built around the preference of international donors and development partners to channel their support for the cooperative movement through the states. For example, the Nordic cooperative movements, American and Canadian credit union movements funded African cooperatives through the governments of respective countries. This model enhanced the influence of the state over the cooperative movement, by virtue of resource allocation[12].

Towards the end of the 1980s, it became obvious the cooperative movement had lost a significant portion of its voluntariness, and bottom-up components which could have been harnessed to strengthened solidarities within its immediate and extended community.

From their new position, cooperatives had lost some of their capacities to reach out to the member. The new reality took its toll on members' morale towards participation in the management of their cooperatives, with some members' shift towards considering cooperatives as a part of government, and not primarily their organization. Furthermore, the financial base of many of the cooperatives were severely eroded. In their positions as government agents, cooperatives became subjected to price controls for their agricultural produce[13]. This prevented them from realizing adequate profits from their activities, membership fee or share capital payment or acquisition reduced. The result was undercapitalization of many cooperatives, hence increased severe dependence on external support. The politics of state patronage also contributed to increased cases of corruption; mismanagement; and inefficiency.

The current downturn in the fortune of African cooperatives can be traced to the late 1980s. The era marked the beginning of the Structural Adjustment Programme (SAP) an initiative of the International Monetary Fund (IMF) by some central governments in Africa. The initiative which among others imposed it upon the African governments to cut down of subsidies and grants which had for a long time served as life wire of the several sectors and entities including the cooperative[14]. The author continued that the withdrawal of such grants and subsidies did not only exposed the dependence of the cooperative movement on the government, but gradually exposed them as circuit pipelines for the siphoning of public funds. The author built the assertion around another compelling fact of the era, the gradual swift from military to civilian rule in that swept through Africa, which lead to rapid democratization.

The collapse of the Berlin Wall, and communism in USSR where also contributory to the evolution of a new world order which was not favourably disposed to the established parameters through which African governments managed cooperatives. The Nigerian government withdrew some aspect of its control over the cooperative movement, the withdrawal was with higher emphasis on state support, which in part exposed the movement as of the avenues for corruption. This revelation contributed to the curiosity a section of the civil societies showed on cooperatives. The civil societies beamed their search lights on the cooperative movement in their continued quest to unravel the various route of the through which the then Nigerian military government was alleged to have siphoned public funds[15]. Thereafter, development through liberalization became the objective of the cooperatives. The idea was to accord the cooperative movement more independence from state control in order. This was to promote the conformity of cooperatives with the neo-liberality that was sweeping across Africa of that time.

Cooperative development in Africa was necessitated by the liberalization gained by some African economies[16]. These changes meant the state had to withdraw some of its customary supports cooperatives, as a means to sustain liberalization. Support services from the state, such as auditing, supervision, management, and training were the earliest to be withdrawn. However, there was no plan to have in place alternative institutions to render this support services to the cooperative movement[17].

Perhaps, stakeholders had thought the free market is sufficient to respond to fill the gaps, while the cooperatives had the resources to purchase such services. Thus, the size of some government cooperative departments were reduces as a follow-up to the new policy[18]. It was envisaged that this would make the management of cooperatives democratic and professional, and thereby transform them from dependent organizations to self-controlled and self-reliant business associations capable of competing with other private enterprises in the market[19]**.**

Liberalization of the market characteristically opened the markets where cooperatives had previously enjoyed monopoly to new players (competitors) who were guided, by strict requirement for efficiency, competitive pricing and transparency. For example, in the agricultural sector, the marketing transaction process radically changed. Previously, the ownership of the produce rested with the state marketing board, which then temporarily delegated the same to cooperatives during the processing and marketing of the produce[20]. Thus, cooperatives could claim ownership of the produce until the point of export when ownership reverted back to the marketing board. But in the liberalized market system, the ownership of produce became rather disjointed.

An individual farmer owned it up to the point he/she sold it to the next owner, who could be a private buyer or a cooperative society[21]. Cooperatives had, therefore, to compete with other players to buy and sell agricultural produce if they were to remain in business. This new transaction process had far reaching implications for the cooperatives. For instance, since membership in agricultural cooperatives was previously motivated by the desire to get access to the only marketing channel for sale of produce, the availability of several market channels in the new era could significantly reduce cooperative membership as some members could opt to sell their produce to alternative buyers[22]. Even hardcore cooperators began to consider cooperatives as a mechanism of reduced importance. It is therefore of some importance to discuss the historic development of cooperatives[23]**.**

The cooperative movement has its modern roots in the much-elaborated Rochdale pioneers. The Roachdale pioneers and their profound contributions to the development of the cooperative movement shall be treated in the later parts of this chapter. It would be erroneous to classify cooperatives as simply groups of individuals who cooperate in particular business or economic endeavours. This is because such cooperation could be mobilized under the coercive hand of government in similar manner to state-sponsored collectives of Communist

China, the Soviet Union, and Cuba, or in remote circumstance under the force of feudal lords. The core ingredient in cooperatives is voluntariness of membership and other activities[24].

"Co-operation" is derived from the Latin word Co-operari. "Co" means with and "operari" means to work. In other words, co-operation means working together with others for a common purpose. It means the system of people voluntarily associated, working together on terms of equality to eliminate their economic exploitation by middlemen such as

moneylender, zamindars and mahajans, in respect of any economic need[25]. The object of cooperating in this way is the economic and social betterment of persons who so co-operate. Co-operation helps these (weaker) persons to escape from such exploitation and enable them to become their own lenders or merchants or employers or traders. It helps them to gain the advantages of large-scale operation, while maintaining their independence[26].

The principle of 'co-operation' is as old as humanity. From the most primitive to the most sophisticated community, throughout the world, we come across some form or the other of co-operation among the people living in a particular area or region, be it for some agricultural operations or for some social, economic or political activity. Co-operation has been regarded as one of the "economic miracles of the last Century[27]. In India, the principles of co-operation have been *in vogue* since early times. The spirit of village community life (viz. Village panchayats) was almost entirely co-operative. Throughout the ages, village communities worked together on an informal basis with regard to their religious, social, economic and cultural life[28]. The Rig-Veda realized the importance of co-operation among the people, when it exhorted them as follows:

1. May you all have common purpose

2. May your hearts be in unison
3. May you all be of the same mind; and

4. So that you can work well efficiently.

Elsewhere, the religious institutions and traditional customs threw light on tradition mutual assistance, joint action, joint possession and joint management which are found in the thinking and in the life of the people in all ages and in all countries[29].

2.1.4 Legal Review

The legal frameworks and laws on the regulation of cooperative societies stems from the frameworks on the administration and management of cooperative societies. Therefore, studies on cooperatives and cooperative laws are two side of same coin. Either jointly or separately, these studies transcend the historical and also has a stronghold on current realities[30]. On their part, a lot of literature have been developed on the cooperative administration and management. However, not many of these literature have been devoted to the works on the legal frameworks and regulation of cooperatives. Perhaps fewer are the literature specifically dedicated to the regulation of cooperative societies in Nigeria. Thus, the mal-structured studies on cooperatives has a toll on the research outputs.

A review of the literatures on cooperatives and their governing laws starts by taking its roots in the historical and evolutionary pattern of the cooperative movement. Thereafter, the emergence of the legal framework on cooperatives and the regulatory frameworks. It is preferable that a study of modern Nigerian cooperatives is commenced from the known historical narratives on modern cooperatives. Many of these historical narratives on modern cooperatives are foreign[31].

> Forms of cooperatives such as association of labourer, and self-help communities had been in existence long before the advent of capitalism. This research identifies premodern examples of cooperatives to include mutual aid groups, socio-economic units of life of the commons, and the socio-economic organizations of indigenous communities. These activities covered diverse fields of human endeavour such as agriculture, fishing, transportation, health, commerce, finance, defence, to mention a few[32].

As the years evolve, cooperatives metamorphosed into a mechanism against the exploitative tendencies of the growing industrial capitalism, firstly in a bottom – up pattern, and subsequently as a horinzontal fashion. This was in synchrony with other worker organizations such as friendly societies, mutual associations, and unions[33]. This synchrony was to substantial extent responsible for the development of the cooperative model. Cooperative models that emerged from the various experiments of that era were formed specifically because of the stark inequalities of the new economic order[34].

This cooperative models include the following:

1. Scotland's Fenwick Weaver's Society in 1761;
2. Robert Owen's worker-centred revival of the New Lanark mills in the first decades of the 19th century;
3. The London Cooperative Society of 1824;
4. The promising but short-lived Equitable Labour Exchange of 1832-1833; and
5. The Rochdale Society of Equitable Pioneers in the 1840s[35].

The early 19th century came with its dynamics. During this era, utopian socialist thinkers championed the cause of campaigning for a more equitable society for the economic disadvantaged such low and medium cadre workers in the midst of a rapidly industrializing Europe on the hope for an equitable society through a socialized economy anchored on the platform of cooperative communities[36].

Some authors and other classical theorist often described as classical anarchist, cooperatives are locally rooted, collectively owned, and federated associations, that

were vital for building viable alternatives to the capitalist state system of that era which they had described as tyrannical and totally unacceptable. The positions were on several parameters similar to those of the erudite scholar[37]. A known scholar had expressed very favourable views of cooperatives, in particular agricultural and workers' cooperative. To him, cooperatives have proved to be one of the two most promising victories for the struggle of "living labour" against capital[38].

However, a great philosopher also expressed reservations at the potential of cooperators to become "their own capitalist". His criticism was borne out of the peculiarities of the then market system which was centered on the commodity at a time cooperatives were mainly engaged in factories and agriculture. To him, worker cooperatives provided "the proof that the capitalist has become… superfluous as a functionary in production[39]. Going further, the author posits that the twentieth century has in history a positive take away on the cooperative modes of organizing social, cultural, and economic life. It proved to be viable alternatives to centrally planned or capitalist modes of production, distribution, and consumption. Also, the cooperative experiments flourished in diverse social and political models and contexts[40]. For example:

1. The credit unions of Germany, Italy, France, and Quebec;

2. Argentina's rural coops and urban mutual societies;

3. The USSR's *kolkhozy* before their collectivization;

4. Nova Scotia's antagonist movement of worker cooperatives;

5. Catalonia's self-management movement around the years of the Spanish Civil

War;

6. Industrial coops in Nationalist and early Maoist China;
7. Yugoslavia's self-managed factories;
8. Post-colonial Algeria's originally spontaneous self-managed factories;
9. Post-colonial Algeria's originally spontaneous self-management movements;
10. Producer cooperatives in the plywood industry of the US's Pacific Northwest;
11. Chile's cooperative agricultural experiments during the presidency of Salvador Allende; and
12. Israel's *kibbutz* movement[41].

Some authors further posit, that the 1960's saw the dawn of new and emerging thoughts on cooperatives which had intersections with broader social and economic demands for self-determination of the proletariats and workers' control of agriculture and other means of productions. These emerging thoughts were built around the concept of selfmanagement otherwise known as (autogestion). The ideals of self – management was inspired by among others, the ideas of some authors. It was developed by students, proletariats, militant unionist[42]. A vivid example in this regards were the militant unionist of the May 1968 events in Cordoba, Argentina.

The autogestion influenced struggles of these class of people were struggles for more democratic workplaces, less alienated and exploitative labour processes, and the return of the means of production to the direct producers. It was also characterized by a demand for self-determination of the cause of life. This was canvassed through recuperating production, and reproduction from the ideologies and practices of possessive individualism, productivism, and consumerism[43]. However, the era on the other hand saw the increased accommodation of cooperatives. During the period, cooperatives were integrated into the frameworks of centrally controlled economies, monopoly capitalism, or similar systems. These integration and co-optations were exemplified with the events in some countries.

For example:

1. The state's takeover or control of traditional collectives and cooperatives in

   Stalin's Soviet Union, Mao's China, or Nyerere's Tanzania;

2. The workplace democractic movements or employee ownership plans in Western Europe and North America;
3. Mondragon Cooperative Corporation's outsourcing of production to the global South; and
4. The increased demutualization of agricultural, marketing, insurance, and consumer coops throughout the global North[44].

Despite these challenges, the cooperative models are known not only to survive, but to develop. The cooperative model has continued to show resilience at resisting diverse forms of global capitalism and foreshadowing new "economic imaginaries" beyond

"capitalocentrism"[45]. Notwithstanding the entrenchment of neoliberalism over the past six decades, cooperative practices and values continue to challenge the status quo particularly as represented by capitalism, by so doing offering more socially inclined choices. In similar fashion, the cooperative model continues to adapt to the dynamics of time and places. The recent trends in cooperatives practices tend to exhibit the following characteristics:

1. Emerges as the direct responses of the working class people or grassroots persons and institutions (mostly the proletariats) to socio-economic crisis which are often the product of neoliberalism;
2. The protagonists in some cases have links to older cooperatives or older variants of solidarity activities, while in other cases they do not necessarily have tight links

   to older cooperative movements, however they developed the impulse for their collective projects as a fall-out of their immediate social, cultural, political or economic needs;
3. The policies same as the politics of these cooperatives tends towards the engagement of the proletariats and their interest as captured in their everyday struggles and agitations hence the adoption of populism. Thus when compared to capitalist frameworks, they prove more equitable and ethical at redistributing economic and social wealth and more ethical at environmental management[46];
4. They tend to adopt stronger practices of unionised labour through the horizontalization of labour through the various units and sectors of labourers. Therefore, their processes and decision-making structures tends towards the following: collective ownership of socio-cultural and economic production; culturally and gender-sensitive divisions of labour; and more egalitarian

schemes of surplus allocation. Given the foregoing, they have gained reasonable advantages in comparision to capitalist system of production and older or more traditional cooperative models; and

5. They have high degree of consideration for the environment in comparision to capitalist economic models. This they often achieve through their warm embrace of the social peculiarities of the local communities hence setting the pace for sustainable initiatives for environmental management[47].

As earlier canvassed, thoughts about the modern cooperatives were from diverse orientations and were the representation of the numerous tussle for power between socioeconomic classes. On the on part of the divide are the burgoieses while on the other hand are the proletariats, hence the imperatives to properly situate the organization and definition of cooperatives as a prefiguration[48]. Cooperatives are not necessarily manifest as formally constituted, rather, they consist broadly of innumerable forms of collective economic practices and social values that are rooted in, as an author wrote over a century ago in his book "Mutual aid amongst ourselves." "A major goal of the cooperative movement has been to make visible the myriad modes of cooperation present and emerging around the world that are both responses to capitalist and dictatorial tendencies. Further, the cooperative movement seeks to promote solidarity activities that break social, economic and political barriers. Invariably, they mobilise their resources into mechanisms that promotes and sustain the ways through which people collectively provide for their needs, towards the production and distributing goods and services that the capitalism system or in some instances failed anti-capitalist systems provide in short supply[49]. At doing this, they achieve their resolve at (re)imagining a world where such practices dominate".

The foregoing ideology supports the ideologies that distinguish the cooperatives from reform-focused or more accommodative forms of solidarity that are still engrossed in capitalocentric schemes, hence encumbered by public and administrative bureaucracies. Cooperatives promote the tendency to *prefigure* different, less-exploitative, and lessalienating forms of economic organizations[50]. Cooperative is about the mobilization for sustainable development, its political variant as embedded in the concept of prefiguration does not shun "utopian" considerations but embraces them. The cooperatives canvass this not as a totality, rather as a new and detailed socio-economic model, meant to remedial the inequality often inherent in government, and also as a set alternative yet sustainable economic, productive, cultural, and social practices[51].

In this vein, an author posits that a perspective of utopian prefiguration is about sustainability *"the search for the future in the present, and the identification of already existing activities which embody new, alternative forms of social cooperation and ways of being"*[52]. It was identified that the dynamics in "economic imaginings" and practices of some modern cooperative experiments engaged in the (co)production and (co)invention of "solidarity economies" or "community economies" both within and beyond the standards of capitalism[53]. In the same vein, authors argued that new forms of cooperative entities, such as the Argentina'self-managed newly recuperated firms, do express, in their practice, a "new 'moral' economy" desiring "to confront social injustice" at the workplace, marketplace, and within communities. At doing this, they transform the lives of their protagonists' for the better[54]. That the pre-figurative of cooperatives holds the potential to sustainable development is as much about *rupture* and as much about newness from prevailing models of organizing economic life, where currently the few, shored up by the rights of private property, own the means of

production for the needs and desires of the many. This suggest ruptures from status quo hierarchies, where bosses or state agents rule to a more egalitarian model of state and society.

Cooperatives also point to ruptures from dogmas of possessive individualism, where unhealthy competition and rivalry reigns. The cooperatives have also shown high capabilities at crisis management. As recent events such as the covid-19 pandemic have underscored. However, the conflicts that are predominantly deeply contained within the contradictions inherent in the status quo socio-political, socio-economic, and institutional structures of capitalism remain viable[55]. These structures are increasingly riddled by the strength inherent in solidarity activities and are being sized utilised by collectives of the otherwise marginalized sections of the populace. Within the interplay of these divides, mismanaged conflicts make socio-structural weaknesses visible.

As posited by an author "crisis is, from the point of view of the working-class subject, a moment not of break*down but of* break*through*…." Moreover, socio-economic crises do not necessarily close off alternatives but can be potential openings for all types of class, identity, gender, age-based, cultural, and belief[56].

2.1.5. Theoretical Review

There has always been challenges with situating cooperatives within the most appropriate theory. These challenge has multiplier effects on other sub-fields of cooperatives, for example cooperative law, cooperative finance, and cooperative philosophy. Inability to effectively domicile cooperatives within any of economics, sociology, political science,

or business administration compounds the identified problem. Cooperatives are the aggregates of economic and social units. The cooperatives qualify as both systems of horizontal and vertical integration of its member. In addendum, the exhibit a third mode of organizing coordination. Cooperatives are owned, controlled, financed, and used by members for mutual benefits, with service at cost and proportionality being two basic principles. For example, farmers organize marketing cooperatives to access markets, exercise countervailing power vis-àvis other market participants, and promote their capacity to favorably compete. Cooperation as practiced by dairy farmers in marketing milk for example AMUL in India is an enduring business model that is in full accord with the economic theory of what cooperatives are and what cooperatives do. Members supply equity capital needed for the cooperative to carry out its core business of marketing members' milk. Capital financing, in general, is not a contentious issue for dairy cooperatives. For other cooperatives that have difficulties in raising capital from members, the issue is really a reflection of a certain gap between member purposes and cooperative functions. The solution lies in assessing what members want the cooperative to do and how much they are willing to finance it; the cooperative should operate accordingly for members' best interests. Social entrepreneurs have renewed interests in adopting cooperatives as an economic development tool to empower people to work toward their own economic destiny. Over the long term, cooperatives must be self-sustainable in order to be economically viable.

2.1.5. Nigerian Specific Review

The modern co-operative movement are self-inspired towards setting clearly articulated principles for internal administration. This was one of the very essence of members of

the Rochdale consumer cooperative, founded by 28 weavers in Rochdale, England, at a time when worker and consumer rights were relatively limited. It was only around 1852 that coo-operatives in England received legal sanctions. This was about eight years after the establishment of the Rochdale pioneers. The original Rochdale Principles remains one of the earliest known foundation of co-operative principles and laws[57]. The evolution of co-operative principles captures the development and aspirations of the universal cooperative movement, hence it should serve as the framework for the review and development of cooperative legislation in Nigeria, and the sustainable development of the Nigerian co-operative movement.

In the pre-1861, before the advent of British colonialisation, there were variants of economics, social and political structures and various types of economic solidarities among the peoples. Some of these economic solidarities were called *ajo, esusu, aaro, gayya, adashe, isisie ego, utu,* and *oha* where employed for diverse purposes such as agricultural, housing, commerce, and health[58]. These models were reflections of the beliefs, cultures and norms of the various peoples which were adopted and adapted to the challenges of their time. However, the models of co-operatives were governed by an admixture of group conventions and community codes of conducts, which were products of ethnic and religious ethos. These were the governing codes for the regulation of conduct within African traditional societies[59]. Formal documentations such as writing were alien in the Nigeria of those days, and there was no legislation or forms of written laws. Formal documentation and legislation were introduced by colonial administration. The British took control of the geographical area later named Nigeria from 1861 till 1960, and put in place structures for the ease of administration. The political and economic structures of the various peoples of Nigeria, were gradually integrated through the mechanism of the socio-cultural structures of the people, which

the British met on ground[60]. The importation and subsequent localization of British and other foreign administrative models played central and regulatory roles in the integration of foreign and local variants of cooperative models. Accordingly modern cooperatives were introduced into Nigeria during the colonial period through the effort of the British colonialist who had commissioned a co-operative expert C.F Strickland to embark on a feasibility study of cooperatives in Nigeria[61].

The Strickland Report of 1934 had reported that Nigeria is a good ground for the introduction of modern cooperatives. This was followed by the establishment of the cooperative department and the appointment of the first Registrar (Director) of cooperatives in Nigeria. Haig encouraged the spread of co-operative ideas as practiced in India, then known as British India. Thereafter, co-operatives were utilised by the colonial government for rural and urban development[62]. The Nigerian Co-operative Societies Ordinance was enacted in 1935 the original text of this legislation is not available. However, it was posited that a substantial part of the legislation is reproduced in subsisting Nigerian cooperative legislation. The Ordinance was modelled after the Indian

Co-operative Societies Act of 1904[63].

All ordinances ceased to have the force of law from the 1st of October, 1960 when Nigeria got her independence from the British. Independence came with the sovereignty to make laws, these includes cooperative legislations, without recourse to external power. The above narratives briefly capture the development of the administration and legislation on Nigeria cooperative societies. The author agrees that the evolution of cooperative principles have been instrumental to the development of cooperative law. Hence, an attempt is made to identify intersections between the evolution of cooperative principles and the development of cooperative law in Nigeria[64]. Co-

operative principles serve as the guidelines for the administration and management of co-operative societies, and as foundation for the development of the regulatory frameworks on co-operatives. The first known set of co-operative principles where made by the Rochdale Pioneers of 1844[65].

The following were the objects of Rochdale Pioneers as gleaned from their 1844 charter: The objects and plans of this society were to form arrangements for the pecuniary benefits, and improvement of the social and domestic condition of its members, by raising a sufficient amount of capital in shares of one pound each, to bring into operation the following plans and arrangement:

1. The establishment of a store for the sale of provisions, clothing.

2. The building purchasing or erecting of a number of houses in which those members, desiring to assist each other in improving their domestic and social condition may reside;

3. To commence the manufacturing of such articles as the Society may determine upon for the employment of such members as may be without employment, or who may be suffering in consequence of repeated reductions in their wages;
4. As a matter of security to the members of this Society, the Society shall purchase or rent an estate or estates of land, which shall be cultivated by the members who may be out of employment, or whose labour may be badly remunerated;

5. That as soon as practicable, this Society shall proceed to arrange the powers of production, distribution, education, and government, or in other words to

establish a self-supporting home-colony of united interests, or assist other societies in establishing such colonies; and

6. That, for the promotion of society, a temperance hotel be opened in one of the society's houses as soon as convenient.

An author identified some values from the above objects and plans[66]. To him, the Rochdale Pioneers was established for the financial and social well-being of members, as there was a balanced socio-economic guideline;

1. The Rochdale Pioneers envisioned society as multi-purpose co-operatives; and;

2. They had in mind the location of a Utopian society, a self-supporting home colony devoid of exploitative activities.

The author reproduced fourteen rules (bye-laws) from the charter of the Rochdale Pioneers:

1. That the government of this society shall be vested in its President, Treasurer, and Secretary, three trustees and five directors to be elected at the general meeting;
2. That two auditors be appointed each to remain in office six months, and retire alternately;
3. That the officers and board of directors shall meet every Thursday evening at eight o'clock in the Committee Room Weaver's Arms;
4. That general meeting of the members shall be holden on the first Monday in the months of January, April, July, and October;

5. That an annual general meeting be holding on the “First Market Tuesday” on which occasion a dinner shall be provided at a charge of one shilling each person;
6. Any person willing to become a member of this society, shall be proposed and scrutinized and approved of by a majority shall be eligible for election at the next weekly meeting;
7. That should any member wish to withdraw from this society; such member shall give one month’s notice;
8. That the officers of this society shall not in any case, nor on any pretense purchase any articles expect for ready money, neither shall they be allowed to sell any article nor article expect for ready money;
9. That at each quarterly general meeting the officers in their financial statement shall publish the amount of profits realized by the society during the preceding quarter, which shall be divided thus interest at the rate of 3 ½ per annum shall be paid upon all shares paid up previous to the quarter’s commencement, the remaining profits shall be paid to each member in proportion to the amount of money expended at the store
10. That the store be opened to the public on the evenings of Mondays and Saturdays on Mondays from seven tall nine on Saturdays from six till eleven;
11. That a cashier and salesman be appointed to conduct the business of store each to serve six months alternately, and eligible for re-election;
12. The salesman shall be weigh, measure, and sell but shall not receive payment for any articles or goods sold;

13. The cashier shall receive payment for all goods purchased at the store he shall give a receipt to each purchaser for the amount received he shall pay over to the secretary at each weekly meeting the money drawn at the store;
14. That the store be opened at the proper time by the president.[67,68]

15. That the store be opened to the public on the evenings of Mondays and Saturdays on Mondays from seven tall nine on Saturdays from six till eleven;
16. That a cashier and salesman be appointed to conduct the business of store each to serve six months alternately, and eligible for re-election;
17. The salesman shall be weigh, measure, and sell but shall not receive payment for any articles or goods sold;
18. The cashier shall receive payment for all goods purchased at the store he shall give a receipt to each purchaser for the amount received he shall pay over to the secretary at each weekly meeting the money drawn at the store;
19. That the store be opened at the proper time by the president.

The Rochdale Pioneers maintained a constant review of its Bye-laws, particularly in 1854, 1860 and 1879. The establishment in 1895 of the International Cooperative Alliance (ICA) gave impetus to the discussions and development of the Rochdale principles from a more international perspective. Rochdale principle was appraised at the London congress of 1895 and at the Paris congress of 1896 where it was agreed that ICA would not concern itself with politics or religion[69]. This rule was captured in the statement, “co-operation is a neutral ground on which people holding the most varied opinions may meet and act in common, it is self-sufficient and must not serves as the instrument of any party”.

The formation of the ICA and resulting activities brought into a single fold variants of cooperative models and as a result "competing" ideologies[70]**.** These went side by side with further development of the Rochdale principles on the one hand and discussions about having co-operative principles on a common ground on the other. The trend continued until the codification of the first set of cooperative principles by the ICA in 1937. Several factors influenced the build up to this landmark event, which *where the efforts to codify an official list of co-operative principles in the 1930s derived from several forces, this includes pressures to water down the principles of the cooperative movement due to the temptation to sacrifice considerations of principles to the need to address competitors who employ elements of co-operative principles against the cooperative societies*[71].

In view of the foregoing, a special committee of the ICA reconciled the competing interests, and reproduced seven principles from the 1844 Rochdale Charter and its various developments into the ICA co-operative principles of 1937, which contains the following:

1. Open membership

2. Democratic control

3. Distribution of the surplus to the members in proportion to their members in proportion to their transactions.

4. Limited interest on capital.

5. Political and religious neutrality.

6. Cash trading.

7. Promotion of Education[72].

The ICA Co-operative Principles of 1937 gained widespread acceptance, but it was subject to diverse appraisals which were buttressed with the resilient and transient discussions built around the Rochdale Principles that had become characteristics of the co-operative movement. The phenomenal continued into the 1960s, with many brilliant contributions. One of the more outstanding perspectives were those of Paul Lambert, a professor at the University of Liege, Belgium[73]. In a work on the social philosophy of cooperatives, which was first published in French 1959 and in English 1963, he undertook an extensive analysis of cooperative thoughts and Rochdales positions across times and divides to arrive at his version of Rochdales principles[74]. He arrived at the following Rochdale Principles:

1. Democratic control;

2. Rules governing the accumulation and distribution of the surplus and the treatment of the net assets;
3. Distribution of surplus among the members in proportion to their purchases;

4. Payment of limited interest on capital;

5. Sale at market prices;

6. Dispersal of the net assets without profit to the members in the event of dissolution of the society;

7. Spirit of service (promotion of the member's interests only in so far as the latter are consistent with the general interest of the community);
8. Freedom for new members to join (principle of the open door);
9. Voluntary membership;
10. Cash purchase and sale;
11. Political and religious neutrality;
12. Education of the members; and
13. Determination to take over the world economic and social system and to reorganize it on co-operative lines (i.e.to achieve the co-operative commonwealth). One of the striking feature of the work was his emphasis on democracy. He argued cogently that democracy is the foundation of co-operation, which he further noted is perhaps the sole principles universally applicable to all cooperatives with minimal requirement for modifications and the most distinctive feature of cooperatives in comparison to capitalist business[74]. He continued his works through the 1930s to the 1960s, this produced further construction of Rochdales Principles and the evolution of co-operative principles. These were in response to changes around the world with radical implications on the co-operatives movement.

Within this was the World War II which widened the gap between the capitalist and noncapitalist ideologist, and promoted the decolonization of many countries in Asia, South America, and Africa. This leads the emergence of modern co-operatives in

developing countries and brought non-European and non-North American members into the ICA and the International Labour Organization (ILO). An author explained that *there were more new types of co-operatives, and with them more questions about structures and about philosophy and principles*[75].

These challenges were at the centre of the 1963 Bournemouth congress of the ICA, a congress which based on the standard of it time had the widest representation of cooperative interests in history. The Bournemouth congress had put in place a commission which had a representative each, from the British movement, India, Western Europe, Eastern Europe, and the United States of America[76]. The commission produced the 1966 ICA co-operative principles which are as follows or the Rochdale Principles.

1. Membership of a co-operative society should be voluntary and available without artificial restriction or any social, political, religious or racial discrimination to all

   persons who can make use of its services and are willing to accept the responsibilities of membership.
2. Co-operative societies are democratic organizations. Their affairs should be administered by persons elected or appointed in a manner agreed by the members and accountable to them. Members of the primary societies should enjoy equal rights of voting (one member, one vote) and participation in decisions affecting their societies. In other than primary societies, the administration should be conducted on a democratic basis in a suitable form.
3. Share capital should only receive a strictly limited rate of interest, if any.

4. Surplus or savings, if any, arising out of the operation of a society belongs to the members of that society and should be distributed in such manner as would

avoid one members gaining at the expense of others. This may be done by decision of the member as follows:

a. By provision for development of the business of the co-operative;

b. By provision of common services; or

c. By distribution among the members in proportion to their transaction within the society.

1. All co-operative societies should make provision for the education of their members, officers, and employees, and the general public. In the principles and techniques of cooperation, both economic and democratic.
2. All co-operative organizations, in order to best serve the interest of their members and their communities, should actively co-operate in every practical way with other cooperatives at local, national, and international levels.

The 1966 ICA co-operative principles succeeded at the reconciliation of conflicting interests. There was respite in the years after 1966 as there were much less of activities on the subject of deconstructing or reconstructing of either Rochdale or ICA co-operative principles in comparision to what obtained before 1966, save for the 1986 work of Watkins on co-operative principles. An author identified the following co-operative principles[77]:

1. Association (or Unity);

2. Economy;

3. Democracy;

4. Equity;

5. Liberty;

6. Responsibility; and

7. Education.

Thereafter, a book produced some of his attempts at reconstructing the Rochdale and cooperative principles, which served as the groundwork for the next review of ICA cooperative principles. In his presentation title "Co-operative Values in A Changing world" which he presented at the ICA congress in Tokyo, 1992, Books argued that co-operatives agree on the following variables:

1. **Basic Values:** Equality (democracy) and Equality (social justice), Voluntary and Mutual self-help (solidarity and self-reliance), Social and Economic Emancipation;
2. **Basic Ethics:** Honesty, caring (humanity), Pluralism (democratic approach), Constructiveness (Faith in the co-operative way);
3. **Basic principles:** Association of persons, Efficient member's promotion, democratic management and member participation, Autonomy and Independence, identify and unity, Education, Fair distribution of benefits, cooperation nations and internationally. Books identified a fourth variable;
4. **Basic Global Values:** Economic activities for meeting ends, participatory democracy, Human resources development, social responsibility, National and international co–operation[78].

Books had posited the fourth variable will provide more concrete actions and oriented expression of the other variables. This he believed is with a view that global values will be incorporated into the next set of co-operatives principles. Books presentation was a development on previous works[79]. In the same vein a scholar gave further impetus to

Books works through his conceptualization of what he called "The Co-operative Identity" which was considered at the ICA congress, Manchester, 1995. The intersection of Books and Macpherson's works substantial laid foundation for the current ICA Cooperatives Principles[79].

The Evolutions and the Development of Cooperative Law in Nigeria may be presented as follows. Nigeria got her independence on 1st October, 1960, and became a Republic on 1st October, 1963. The independence came with the sovereignty to make her laws; including cooperative laws without recourse to external powers. However, the country's first legislation came earlier. The Nigerian Co-operative Societies Ordinance CAP.39,

1935 is Nigeria's first legislation on cooperatives, it was modelled after the Indian Cooperative Societies Act of 1904. A good number of British legislation were first put to us in the then British-India (now India) where they were localized[80]. The localized component made those legislation more practicable in India, and more suitable for application in other parts of the then British Commonwealth.

The Nigerian Co-operative Societies Ordinance of 1935 is one of the product of the C.F. Strickland Report of 1934. The 1935 Ordinance was a master to servant instrument as it provisions conferred enormous discretional powers on the Registrar, an appointed official of the government. This could have been an extension of the attempt to check the spread of acceptability of ideology espoused in the doctrinal principles of the Roachdale pioneers. Despite successes from the C.F. Strickland Report, the colonial

government still nursed reservation about the capacity of Nigeria to successfully manage modern cooperatives[81]. Therefore, strong control of co-operatives was adopted by the central government. The country was regionalized in 1950, with each of the three regions: West, East, North and West gaining the powers of run a legislature, and the powers to make cooperative legislations.

Thereafter, each of the 3 three regions made its cooperative legislation to regulate societies within its territory and held the power to appoint a Registrar for cooperatives. By 1935, the only noticeable international framework on cooperative practice was the Charter of the Rochdale pioneers. Interestingly, the Charter was made in England the home of the then Nigerian colonial government, but the provisions of the 1935 Ordinance as currently reflect in some Nigerian legislations did not reflect the Charter of the Rochdale pioneers[82]. The first set of ICA principles were made in 1937, which was the product of a special committee set up for the purpose by the ICA. The primary role of the committee was to reconcile diverse interest to produce cooperative principles from the 1844 charter of the Roachdale pioneers. This was two years after the coming into the force of the Nigerian Cooperative Ordinance of 1935. Same as it was with the charter of the Rochdale pioneers, there are no evidential links between the 1935 Ordinance and the seven cooperative principles made by the ICA in 1937[83]. The landmark contributions of a known scholar to the development of cooperative principles between 1930 to 1960 lead to his conceptualization in 1959 of the Rochdale principles.

This period was particularly productive for the Nigerian cooperative movement with the productive trend enduring till the 1980s. The cooperative movement of the defunct

Western region of Nigeria was a shining light in this regards as it played significant roles in the socioeconomic development of the region. These achievements which were well harnessed by the government of the defunct Western region. While the period marked an improvement in the fortunes of the cooperative movement, the results were largely products of administrative ingenuity[84]. Firstly, on the part of the nongovernment actors such as cooperative managers, and secondly on the part of some government departments and their officials who must have adopted some of the evolving trends in the international scene into the administration and management of Nigerian cooperatives.

On the other hand, there was no evidential links between the development of cooperative principles by the ICA and the development of cooperative legislation in Nigeria between 1930 to 1960. From the 1950s till date, co-operatives and allied legislations have constitutionally been on the concurrent legislative list. Item 32 on the Exclusive Legislative List of the 1999 Constitution of the Federal Republic of Nigeria provides as follows: *Incorporation, regulation and winding up of bodies corporate, other than cooperative societies, local government councils and bodies corporate established directly by any law enacted by a House of Assembly of a State.* It became obvious that the legislatures of the component governments have been reluctant to thinker with the core provisions of the Ordinance of 1935. Nigeria's first national post-independence legislation was the Cooperative Societies Degree of 1974[85].

The decree made provisions for the administrative powers of the Federal Registrar and support staff, as well as the establishment functions and composition of bodies to

oversee cooperative development. Due to the transformation of Nigeria from military to civil rule, the Cooperative Societies Decree of 1974 was enacted into an Act of the National Assembly, it is now known as the Co-operative Development Act[86]. In its current form, it contains amendments to some of the provisions of the 1974 degree. The hereto provisions for the administrative duties of the Federal Registrar and the support staff for his office have been expunged. These expunged provisions now form part of the Nigerian Co-operative Societies Act[87].

The Nigerian Co-operative Societies Act is a product of the J.T Caxton-Idowu led twelve (12) member panel set up by the federal government of Nigeria in 1977 to review the existing legal framework on Nigerian co-operatives and to make appropriate recommendations[88]. The panel submitted its report in 1978**,** and in 1993 some of the recommendations of the report were reconciled with among others some expunged provisions of the Co-operative Societies Degree of 1974 to enact the Nigerian Cooperatives Societies Decree N. 90 of 1993, which is re-enacted into the Nigerian Cooperative Societies Act, herein referred to as the Act. The Act first came into force as a military decree two years before the presentation of Sven Ake Books presentation of "The Co-operative Identity" in 1995[89].

It became an Act of the Nigerian national assembly and the legislation of a democratic government in 2004, nine (9) years after Books presentation. An appraisal of the provisions of the Act shows significant contradictions with the ICA co-operative principles of 1995[90]. One of the salient features of the Act is the unfettered discretional powers it confers on the Director. Section one of the Act: Appointment of Federal

Director of Co-operatives provides that the President may:

(a) Appoint a person to be Federal Director of Co-operatives;

(b) Appoint persons to assist him; and

(c) By notice in the Gazette confer all or any of the powers of a Director under this Act on any such person.

The Act confers equivalent powers on the Governor of a State in respect of societies registered with the State[91]. ICA cooperative principles, 1995 prescribes that cooperatives are to be privately owned and controlled autonomous association, the provisions of section one (1) of the Act imposes on Nigerian societies a Director who is a public servant, and whose emergence and occupation of the position, is the sole reserve of the President or Governor. The Director exercises discretional powers on the Registration of societies and other allied matters[92]. This also applies to the powers of a registered society to make and amend its By-laws[93].

The Director's discretion also applies to the qualification for membership of a primary society. The Act confers further discretional powers on the Director on the cancellation of the registration of a society and other auxiliary matters. This discretion covers, the effects of the cancellation of the registration of a society; appointment of liquidator after cancellation of registration of a society; and the enforcement of corresponding orders made by the liquidator, an arbitrator or the director[94]**.** The Act also provides for the discretional powers of the Director to surcharge and attach the property of a registered cooperative society.

Powers as contained in sections 46 and 47 of the Act may be appealed to the Minister (Federal) or Commissioner (state) as the case may be, within 30 days from the date the order was made, and the decision of the Minister or the Commissioner shall be conclusive. The Act also confers on the Director discretional powers on the settlement of disputes touching on the businesses of a registered society, cases to be stated on question of law, division of a registered society, amalgamation of registered societies, and prohibition of the use of the word "co-operative"[95]. Furthermore, the Act provides *The Minister or the Commissioner responsible for matters relating to co-operative societies may make all such regulations as may be necessary for the purpose of carrying out or giving effect to the provisions of this Act".*

The above provisions of the Act bring to the fore some of the disparities between Nigerian co-operative legislation and the recent co-operative principles. Co-operative principles dictate that cooperative societies are privately owned and controlled autonomous associations. The Act on its part confines societies to privately owned, but government controlled, non-autonomous associations. The current position of the Nigerian government as it reflects through the Act is for all practical purposes the same with the 1935 position of the then colonial government of Nigeria. In comparison, Nigerian societies do not share the any of the values[96]. Although they are established for the financial and social well of members, there are no balanced socio-economic guidelines. This is firstly on account of the identified deficient statutory framework, and secondly on account of weak bye-laws that draws their validity from the deficient statutory provisions.

Also, most primary societies are established for single or at most dual socioeconomic enterprises. This is the position of some other authors which this thesis adopts as the true state of affairs. Nigerian co-operative movement have not shown traces of viable political nor ideological orientations, it does not assert significant influence on the political and legal structures of the country. Their recessive ideological posture constitutes a drawback to the development of co-operative law in the country, and have adverse implications on the quality of their internal organization[97]. To understand the history of cooperative legislation, it is helpful to look at some milestones in its development in other jurisdiction. In this circumstances, France where modern history tell is at the frontline in the development of modern cooperative legislation suffices. Two important events shape the evolution of cooperative law in France. These are:

a. The Societies Act made on in France on the 24th of July 1867 which recognized, although with some restrictions the existence of cooperative societies;

b. The legislative framework as built on the law made on the 10th of September 1947, which defined the legal form for cooperative societies and gave them full legal recognition[98].

As much as Cooperative law has one of the earliest known development, its evolution has been rather slow. The development began with the initial attempts at forming cooperatives which culminated with the lasting consolidation of cooperative legislation find its space within the larger framework of the specifications of a rather unique law on the social and solidarity economy. To found its feet within the framework of the French legal system, cooperative law required resilient and rigorous efforts for close to a century[99].

The reasons for this long period are manifold and the result of several factors. Some of these factors were:

(a) Perception of the nature and the purpose of cooperatives;

(b) The peculiarity of the preparedness of the members of cooperatives;

(c) The preparedness of the antagonist of cooperatives who argued against the introduction of specific legislation for cooperatives; and

(d) The difficult political, economic and social contexts of the time etc[100].

Initially, cooperatives were run at the discretion of their members based the rules of general usage and private contracts which provided for concrete applications. In the course of time, the theory of the cooperative movement developed, particularly in the 19th century through the efforts of reformists, sociologists and industrialists such as Charles Fourier, Robert Owen, and Saint-Simon. Even though the Societies Act (*Loi sur les societies)* of 24 July 1867 recognized although indirectly the existence of cooperative societies, it was the contributions of case law as well as to the scholarly contributions of learned authors of the doctrine of cooperative law which gave a more comprehensive framework to established a reasonable degree of legal certainty, hence the gradual development of cooperative law[101].

Although the Waldeck-Rousseau Act of 21st March 1884 authorised the establishment of professional associations, the statute was not adequate for the peculiarities of cooperative societies. Thus, the French legislature had to repeatedly intervene to provide specific legal provisions for the various cooperative societies. This was

continuously supported by case laws and the contributions of scholars[102]. Being useful in times of peace and necessary in times of war, the cooperative model gradually acquired a legal status which clearly identifies and simultaneously defines itself, thanks to the framework legislation of the Cooperative Societies Act of 10th September 1947. Till date, the French Parliament has never ceased in its duty of continuing review of cooperative laws. Therefore, an attempt will be made to trace the evolution of the legislative and regulatory framework of the cooperatives. This will begin from on its origins of common usages, thereafter its current specificity.

The slow emergence of legislation for cooperatives started with africultural and workers' associations which were the first objects of legislative attention. Cooperation between farmers developed from the systems generally used to by cheese making societies as developed in Switzerland before the 18th century. These systems became more popular in some regions of France[103]. In principle, the relations between these growers focused on the reciprocal provision of milk between each other; various producers participated in cheese production in relation to their material and financial means. Instead of selling the mature cheese and distributing the profits between the associates in proportion to their respective contributions, each cheese belonged to one of the associates – the one contributing the majority of the milk and this associate was then debtor to the others[104].

Subsequently, when one of the producers accumulated an excessive credit, this producer became the owner of the next cheese, which he could dispose of at his discretion[104]. The rules determining the relations between the associates turned out to be insufficient; the cooperative members then started establishing charters, in which the associates laid down their mutual obligations and prescribed sanctions against those violating these

obligations. These contractual relations therefore contributed to the emergence of new disputes from 1840 onwards with many brought before the jurisdiction of the Besancon Court of Appeals (I)[105]. During this period, questions arose about the applicable law for such associations.

In particular, was the question of whether it would be appropriate to subject the old customary usages, on which the majority of these associations were based to a legal system to enhance legal certainty and allow the clarification of legal standards?. Aimed at resolving the puzzle, a commission was set up in 1863 by the Prefect of the Doubs region. The commission was chaired by Gustave Loiseau, the first president of the Besancon Court, who described the outcome of these efforts in his report of 23rd August 1865. Among other, the commission had considered and resolved that the strict application of the rules of civil law to cheese making societies would be disastrous due to the peculiarities of such societies[106].

The commission therefore proposed the introduction of two articles in the Rural Code (Code rural) to qualify cheesemaking societies as "associations of a special nature under civil law" *(societies civiles d'une nature special;* article 1). Further, if it becomes an imperative and aligns with the interest of the public, the commission recommends the imposition of limits on the freedom of private contractual arrangements and the prescription of special provisions. Finally, there was proposed to be enshrined in the law, the rules which could not be waived by contractual arrangements. Lastly, was the roles for the specific usages, which were considered as the fundamental basis of cheesemaker associations (article 2)[107]. This proposal was not followed up and the associations were never subject of any review in the legislative activities devoted to the various parts of the Rural Code *(Code rural)*. However, based on the work done by the

commission, court rulings were successful in adopting more uniform decisions from conflicts that arose from the cheesemaker associations[108].

Despite the ban on forming associations in France, the first cooperatives experience and their temporary legal recognition which was based on the Allarde Decree (2 to 17 of 1791), the Le Chapelier Act (14 to 17 of 1791) and the affirmation of the offence of forming coalitions in Articles 141 to 416 of the Penal Code, the cooperative organizations continued to proliferated in France. Their economic and social character primarily forced them to establish and to develop outside any legal framework and this gave rise to some difficulties[109]. However, the advert of the second republic offered for workers and their associations. The provisional government promulgated the law of associations for workers by a decree adopted on 25 February 1848 on the guarantee and organization of workers (III)[110]. Subsequently, the jobless were remunerated by the state for digging and excavation work while waiting to be returned to their normal employment by the return of prosperity. The vacuity of such solution was apparent very quickly: there was a very high frequency of abuse, and the State had to support the workers forced to be inactive as a result of the insufficient number of tasks available[111].

On 30 May, 1848 the National Assembly substantially modified the organization of work in national workshops, before it ordered their definite closure on 22 June, 1848. This decision gave rise to several days of confrontation and thousands of fatalities. With the rebellion put down and peace re-established, the final abolition of the workshops was announced on 3 July, 1848[112]. But the State wanted to encourage the development of worker's associations while retaining its role in the background; the essential efforts would have to be made by the workers themselves. In an initial period, this was done by awarding a loan of 3 million francs to be shared between the associations formed by

contractual agreement either between workers or between workers and employers and by setting up a promotion council to advise on the disbursement of the loan to workers' associations (V); in a second stage, the National Assembly authorized workers' associations so participate in the decision-making or even the direct allocation of public works (VI). Workers were thus allowed to form associations, but this right was granted only as a legitimation for the State to withdraw its obligation to a right to work[113].

Simultaneously, the National Assembly of 1848 expressed a brief but vivid interest in amending – i.e. abolishing – the offense of forming associations enshrined in articles 414 to 416 of the Penal Code[114]. The Constituent Assembly discussed a proposal to modify the character and the sanctions attached. It was referred back to the workers' committee and then to the legislative committee and finally to a special commission and therefore was the subject of three reports and just as many legislative proposals, which all came to nothing. The Legislature also received a proposal demanding the complete and full abolition of the offence of forming coalitions; a commission was then set up to preparing a legislative proposal[115]. However, when Louis-Napoleon Bonaparte came to power after his election as President of the Republic on 10 December 1848, it put a stop to any aspirations of the workers. The outcomes are the Acts of 27 November 1849 (VII) and 25 May 1864 (VIII), which partially modified the provisions of articles 414, 415 and 416 of the Penal Code. In a first stage, legislative interventions confined themselves to stopping the attacks on the principle of the equality of all citizens before the law, but, in a second stage, they also focused on stopping the penalization of coalitions and on establishing a new offence instead: infringing on the free exercise of industrial and labour activities; article 414 of the Penal Code is thus intended to protect this freedom **(88)**. However, the distrust of those in power towards the cooperative groups remained

at the eve of the 1860s, even if the Second Empire proved to be more liberal. Their primary interest laid in being able to set up a company with meager financial contributions; it had to be possible for the capital to grow and to develop during the life of the company without amending the statutes or publication. This was the preparation for the accumulation of capital. And as it was then possible to easily join such a company, it had to be just as easy to leave it. Book III therefore provided for the possible exit and the right of the company to exclude one of its members which constituted another new feature in corporate law[116].

Furthermore, the personal certification of shares described in article 50 highlighted the principle of *intuit personae* and thus allowed societies wishing to be subject to the variability of capital to be categorized as a private company. The company's shares were tied to individuals and – even after their release – they could only be commercially traded after the definite establishment of the company and without an opposing vote of the company's Board of Administration or its General Assembly[117]. The Sustainable Strengthening of Cooperative Law was led by the Ministry of the Interior gave Pierre Waldeck-Rousseau a lot of room for manoeuvring, and between 1883 and 1896 he took it upon himself to establish a specific legal basis for cooperatives. His project consisted of a number of successive proposals which had to be abandoned due to the violent opposition of small businessmen fearing for their survival; they accused the consumer cooperatives of disloyal competition because of the tax advantages they enjoyed – especially their exemption from patent fees[118].

2.1.6. Agricultural Cooperatives

Thanks to the Act of 21 March 1884 (X) on the establishment of professional associations and even though Book III of the Act of 24 July 1867 granted cooperative

societies their first rights, unions attracted the greatest attention of the legislature in view of a legal framework for the cooperative movement[119]. The first legislative provisions were thus intended for agricultural cooperatives. It was the Act of 5 November 1894 (XI) on the establishment of agricultural credit unions which promoted the establishment by members of agricultural associations, and – accompanying these unions – agricultural mutual credit societies. In this aim, the Act granted these credit unions various specific guarantees and advantages such as the exemption from patent fees, income tax on securities and certain formalities and obligations, which were imposed on regular commercial companies[120].

Subsequently, the Act of 31 March 1899 (XII) on the establishment of regional mutual agricultural credit societies and the Act of 29 December 1906 (XIII) authorizing advance payments to agricultural cooperatives structured and reinforced the system of mutual agricultural credit unions. The latter text in particular was meant to organize long-term credits for the benefit of agricultural cooperatives when they were affiliated to a local mutual credit union. The Act specified under which conditions the latter could be secured either by local and regional banks established according to the Act of 5 November 1894 or by cooperatives depending on agricultural unions[121].

Freed from these attributes, the unions were relegated to their proper objectives by the court rulings of the beginning of the 20th century (XIV); these decisions and ordinances, which were widely commented by legal doctrine, provided the basis for the Act of 12 March 1920 (XV) on the extension of the civil capacities of professional associations which extended their capacity to perform activities of agricultural purchasing cooperatives under certain conditions[122]. Especially Book II of the Act on credit unions and agricultural cooperatives of 5 August 1920 (XVI) laid the foundations for

agricultural cooperatives. This thesis examines in four paragraphs a number of characteristics which had only been implemented in simple ways[123].

2.1.7. Low-Cost Housing Cooperatives

The last decade of the 19th century was marked by growing demands for workers' rights, and the Act of 30 November 1894 (XVII) on low-cost housing offered even the smallest incomes the means to find housing at a more favourable price by engaging in the construction or acquisition of low-cost houses. An Act of 5 December 1922 then codified the legislation on low-cost housing and smallholdings and was subsequently amended by the Act of 27 April 1923. These cooperatives were related to the reconstruction cooperatives established immediately after the First World War (XVIII)[124].

2.1.8. Production Workers Cooperatives

Their origins date back to the Act of 18 December 1915 (XIX) on production workers cooperatives and work organization. It was then enshrined in the Labour Code and substantially developed in the Act of 19 July 1978 (XX) which became the single statute governing cooperatives of the SCOP type *(societies cooperatives ouvrieres de production)*. Within the provisions of the latter, production workers cooperatives are governed by the Act of 10 September 1947, Book III of the Act of 24 July 1867 as well as the Act of 24 July 1966 on commercial companies. They thus had to include the variability of capital and could only be established in the legal structures of SARL (Limited Liability Company) or SA (public limited company)[125].

2.1.9. Consumer Cooperatives

Together with the production workers' cooperatives, consumer cooperatives represent the most traditional model of the cooperative movement. Their development goes back to the first half of the 19th century in both France where several municipalities had their own credit, consumer and production cooperatives and the United Kingdom with the famous experience of the "Rochdaale Society of Equitable Pioneers". But these cooperative societies only experienced a real boom on the second half of the 19th century and found themselves in violation of the provisions of the Act of 24 July 1867 which prohibited an increase of corporate capital by more than Fr.200.000 per year. The Act of 7 May 1917 (XXI) on the organization of credit for consumer cooperatives finally gave them a proper legal framework[126].

The legislators' obvious interest was to allow them access to raw materials to stem the type of speculation, to which small businesses tended to be victims, and the legislators therefore used the opportunity of this act of encourage and impose credits on consumer cooperatives. These cooperatives therefore had a specific objective: selling to their associates the consumer products they bought or produced either themselves or by forming unions amongst themselves; distributing their profits among their associates on a *porata* basis to individual consumption or by employing their entire profit or parts thereof for projects of social solidarity[127].

Despite its numerous amendments, the Act of 7 May 1917 remains the legal framework for consumer cooperatives. It must be seen in relation to the provisions of the Act of 10 September 1947, however, which established a general state for cooperatives and which it had to comply with as well as article L.412-1 of the Consumer Code, which was laid down in the Act of 26 July 1993 (XXII)[128].

2.1.10. The Multiplication of Specific Statutory Provisions

The resignation of President of the Council put a stop to the realization of his legislative project for cooperatives. From this time until the present day, the modification of special statutes has seemed to take priority to avoid modifications to the specificities of each cooperative family few general reforms remain which were undertaken in the late 1960s. for a better understanding of the legal evolution of the various cooperative families it is useful to examine all of them separately[129].

2.1.10.1 Business Cooperatives

Following the classification introduced and later adopted these cooperatives are specifically characterized by the immanent economic services they provide to their members. They include agricultural cooperatives, retail cooperatives as well as craft, transport and shipping cooperatives. Al three categories have the benefit of three different legal texts[130]. From the end of the Second World War, agricultural cooperatives had the benefit of special legislation applicable to them alone, the Decree of 12 October 1945 (XXIV); its purpose was to abolish the agricultural corporatism defended by the Vichy regime and to restore the pre-war legislation which focused on agricultural credit unions and, to a lesser extent, on agricultural cooperatives in view of enabling a recovery of the primary sector.

This particular legislation was only reformed in 1967 by the Decree of 26 September (XXV), which provided a special opportunity for agricultural cooperative societies to establish entities under civil or commercial law – depending on their production volume and access to national or international trading structures -, in favour of the provisions of the Act of 24 July 1966 (XXVI; on commercial societies as regards the latter situation).

But the fierce opposition presented by the cooperative movement against this act resulted in the adoption of the act of 27 June (XXVII). This act basically amended the Decree of 1967 and constitutes the current legal framework for agricultural cooperatives as it is enshrined in articles L.521-1 to L.529-6 of the Rural Code, which also recognizes that "agricultural cooperative societies and their unions form a special category of society and are distinct from societies under civil or commercial law" (l.521-1, al. 2) and that they consequently form a type *sui generis*[131].

The Act of 2 August 1949 recognized cooperatives in the retail sector and organized their specific legislation (XXVIII), and retail cooperatives accordingly benefited from a fullyfledged legal structure[132]. It was based on the general legislation of 2947 and recognized the common procurement as the cooperatives' exclusive activity, but it also restricted the development of these cooperatives and specifically prohibited them from selling to third parties. The Act of 11 July 1972 (XXIX) replaced the Act of 2 August 1949; it intended to overcome these restrictions and to facilitate the establishment and long-term existence of these cooperatives. It primarily extended their business activities by determining their scope and allowing not only common procurement but also the establishment of collective retail outlets as well as assistance with respect to their technical and financial management as well as accounting.

Furthermore, it maintained the exclusion of non-associated third parties from benefiting from their services while recognizing an exception in case of pharmaceutical cooperatives. Finally, it specified that these cooperatives would be governed by the Acts of 10 September 1947 and 24 July 1966 on the above-mentioned commercial entities. The Act of 11 July 1972 was amended to account for the economic, legal and social development of cooperatives – in particular by the Act of 31 December 1989 (XXX) on

the integration of education policy as well as the Act of 13 July 1992 (XXXI) on the promotion of investing associates -, and today, the Act is codified in articles L.124-1 to l.124-16 of the4 commercial code[133].

Craft, transport and shipping cooperatives benefited from the legislation following the Act of 20 July 1983 (XXXII). Craft cooperatives organized themselves in the wake of the union movement. Generally, they were governed by legislation for economic interest groups (*groupements d'interet economique,* GIE) and associations and they were formed locally according to the agricultural cooperative model. A real innovation was introduced by the Act of 20 July 1983. This law followed the cooperative principles, but also included adjustments specifically for the craft sector: membership was limited to craftsmen registered in the official register of handicrafts or those performing identical or related activities with less than 50 employees. For this purpose, the operations undertaken with non-associated third parties could not amount to more than a fifth of the annual turnover of the cooperative[134]. Over and beyond the specific figures on manpower or their economic activity, the loss of the craft status obliged member to leave the cooperative, and this severely restricted the development of the members' business while favouring the reorganization of micro-business and SMEs within economic entities.

Furthermore, the Act provided for 15% of the profits to be allocated to the cooperative's capital and allowed a transformation of repayment into shares. Finally, it provided for an exemption from corporate income tax as well as business tax, which then became territorial rates (*contribution economique territoriate,* CET)[135]**.** Despite their long

tradition, transport and shipping cooperatives have always been poor parent of the cooperative movement. Transport cooperatives were the result of a Decree of 8 February 1963 (XXXIII), while shipping cooperatives developed indirectly together with the creation of the National Shipping Credit Bank in the Act of 23 April 1906 (XXXIV). The legal framework for the cooperatives of transport businesses were based on the law for craft cooperatives; shipping cooperatives profited from similar provisions and had a special chapter in this act of 20 July 1983. Their outstanding special feature is the definition of membership rights, which are related to their special character[136].

2.1.10.2 Banking Cooperatives and Credit Unions

They have a long tradition and are inseparable from savings banks or agricultural credit unions or shipping unions. The organization and operation is different, and the legislation applying to them goes beyond the mere cooperative framework, as it also considers their financial operations and the guarantees they are to provide for their clients irrespective of the fact that they are or might not be members. As a result, an act adopted on 24 January 1984 (XXXV) on the operations and control of credit institution lays down legislation specific to them. They have to guarantee the same rights and obligations as banking and financial institutions under general law, and cooperative principles are bypassed in some respects; this particularly regards the issue of exclusivity, as the bank must be able to provide banking services to any person[137].

2.1.10.3 The Innovative Turn of the 21st Century

Among the latest major developments of cooperative law was the establishment of nonprofit cooperative societies.

Non-Profit Cooperatives

Non-profit cooperatives (*societies cooperatives d'interet collectif*, SCIC) were created by article 36 of the Act of 17 July (XXXVI) and organized by the Decree of 21 February 2002 (XXXVII). They constitute a new form of cooperative inspired by the perspective of the solidarity – as against the social – economy, which places them between groups formed by members and associations because of their philanthropic purpose; in this sense, the statute is by no means completely new, instead it is an adaptation of the Act of 10 September 1947, to which it constitutes an amendment. Article 36 of the Act of 2001 therefore consists of 10 articles defining the SCIC, and they are inserted in Book II *ter* of the Act of 10 September 1947 and follow upon a Book II *bis* focusing on social economic unions as they were introduced by this Act. An article 28 *bis* is also added to the general statute of 1947 and allows a registered association to reorganize itself as a cooperative without changing its structure as a body corporate[138].

Furthermore, the Act amends article L.228 – 36 of the Commercial code and allows the introduction of participation certificates in cooperatives established as SARLs (limited liability companies). The decree of 21 February 2002 on the non-profit cooperative introduces more specific legislation for SCICs. It organizes the agreement process – which was alter abolished by an act adopted on 22 March 2012 -, as well as conditions for the contribution of subsidies and the organization of audits in cooperatives. Just as the Act of 17 July 2001, the decree underlines the specificity of such groups, which differ widely from the cooperative movement[139]. Their characteristics include: their capital is contributed by multiple members and includes a mandatory participation of

employees and the beneficiaries of their operation, as well as other individuals or legal entities under private or public operation, as well as other individuals or legal entities under private or public law; its non-capitalist purpose is formalized by a mandatory appropriation of no less than 57.50% of its profits to its indivisible reserves; public collective bodies are free to join them; they have access to certain agreements, authorizations and conventions, which are normally reserved to associations; there is a statute providing for a mandatory audit of the cooperative[140].

The SCIC cooperative definitely is a paradox, as it weakens certain principles and strengthens others. It is included in an enormous economic programme and provides significant possibilities in view of establishing a legal framework for non-profit enterprises. To this end, its philanthropic purpose is also pursued in the Act of 1 August 2003 (XXVIII), which allowed the establishment of cooperatives as public limited nonprofit companies for low-cost housing[141].

2.3 Review of Empirical Studies

2.3.1 Review of African theory of Co-operatives African Cooperatives

The history of African co-operative is well captured within the historical narrative of Nigerian co-operatives. Asides, the historical development of cooperatives and their governing laws is to large extents very similar in many African countries. In the same vain, the contemporary development of African co-operatives and their governing laws in African countries have shown significant resemblance. African Co-operatives have specific ways of growing, not by mergers, but also by horizontal and vertical integration (organic growth) by forming unions, federations, consortia etc. In one of the most profound attempts at upscaling African co-operatives, the former director of the defunct

ICA West Africa Office Ada Kibora planned in the 1980s to create a West African Cooperative Commodity Exchange[142]. African co-operative federations often remain weak for lack of funds. This is because cooperative federations depend on members' fees. Such resources are usually insufficient to sustain their activities**.**

Is there an African Co-operative? African Values include mechanic solidarity based on custom and hierarchical structures (extended family, clan, tribe), economy of affection with the obligation of sharing and a social order according to which the group is more important than the individual. These values differ from co-operative values and principles of the ICA based on organized solidarity, voluntary association/co-operation and the free decision of individuals, pursuing self-interest of members combined with group interest. In Africa, the term co-operative individualism combines both value systems. While the role of the individual is different in the two systems, mutual aid and care for the community are common features of both systems. Co-operatives can bring together what is usually opposed: individualism and group solidarity, economic and social objectives, self-interest and group interest (care for the community), tradition and modern living.

The above is what makes co-operatives important as development agents in Africa. It is more difficult to combine the democratic structure of modern co-operatives (following ICA values and principles) and the hierarchical order of autochthonous society where every member has his/her place. Rather than having equal rights like members in cooperatives, the position of the individual in the autochthonous society, group interest ranges before individual interest. The group is like a tree and the individual like a leaf.

When the leaf falls from the tree, the leaf is doomed to perish, when the trees loses leafs, it can grow new ones. The challenge is not to decide to follow one or the other system, but to find ways and means to combine them into a new model that works.

To promote co-operatives successfully, it is necessary to generate trust in the cooperative system, in the persons representing it and in the services offered by the system. Co-operatives will only have a future, if young people can be convinced of the importance and usefulness of co-operative values and principles as a way of doing business in a pattern different from that of profit-oriented commercial enterprise – aiming at satisfaction of human needs and sustainable development. People only trust organizations which they know and understand. Therefore, co-operative education is a key condition for co-operative success, not only in Africa.

For many citizens of African countries, written laws create several problems. Most legal texts are written in a 'foreign' language and are based on 'imported' norms, which people do not know: In contrast, autochthonous law is usually unwritten but known. It is communicated orally in local language and administered by local authorities and arbitrators. The feedbacks on the Tanzania Village Land Act is a good example of how local rules for local development can be made in African pluralist legal systems. In Tanzania, after the experience of the Villagisation Programmed of the 1960s, during which the Government tried to "capture an un-captured peasantry" a commission of inquiry mainly composed of Tanzanian research workers presented a report in the 1990s with recommendations on how to improve the law.

Instead of accepting this well versed and experienced expert integrated many recommendations of the commission in his report. The resulting Village Land Act (n. 5 of 1999) is a typical law for lawyers even though the text is available in Swahahili. All land is held in trust by the President, village land is administered by village councils (with a quota for women). Certificates of village land convey a right of occupancy according to rules based on mix of autochthonous rules and customs and element of the modern legal system. For the settlement of disputes over land, the commission had recommended a local council of disputes over land, the commission had recommended a local council of elders (Baraza ya Wazee ya Ardhi). In the Village Land Act, a village adjudication committee allocates land use rights and a village land council settles disputes over land, allowing the parties to go to court against arbitration awards.

A law professor who taught for many years at the University of Addis Ababa/Ethiopia and at German Universities and later became judge of the German Constitutional Court, distinguishes four typical cases for knowledge and application of law in Africa. At the one extreme, in a decreasing number of almost totally isolated and remote rural areas, autochthonous law is known and applied, while the new written law is unknown and totally ineffective. In the age of communication, few of such remote areas are left. At the other extreme, modernized groups are living in the formal sector, were social and economic conditions prevail under which they can work and live well with the new law. The masses of the population between these two extremes live in a social system for which imported law is not suitable but for which it is 'valid' as official law of the state.

This law is predominantly ineffective but effect enough to cause trouble, if it is invoked and applied in exceptional cases – accidental application e.g. in co-operatives where members insist to follow the rules of quorum or procedures laid down in the law. More

problematic situations arise, where the imported law does not provide adequate solutions for social relations, while autochthonous legal structures are in the process of disintegration due to influences of modernization. This applies to the urban population not belonging to the elite, living and working in the 'informal sector'. For the masses of the population, practical non-existence of law – neither autochthonous law nor imported law – has the efficient of "lawlessness" with only self-help remaining as a solution.

For people living and working together, the autochthonous law offers settlement of disputes by arbitration. After the arbitrators have decided, the parties to the dispute have to accept this decision and can continue to live together in relative harmony. Under "modern" law, where matters are taken to court, a judge decides, one party wins, and one party loses, often creating a source of lasting conflicts. It is not surprising that according to the co-operative laws introduced in English-speaking Africa during colonial times, disputes within or among co-operatives could not be taken to court but had to be decided by arbitration.

In Nigeria and the rest of Africa, the interest to become lawyers is on the increase, more encouraging is the interest to read the subject of law by members of a diverse spectrum of professions and academic disciples. However, there has been very few interest in the specialization of co-operative law. This very low degree of interest is the bane of cooperative law in Nigeria and several African countries. Only in cases of conflict involving co-operatives does co-operative law becomes of interest. In his book and author has the following advice: To many people "a discussion of detailed provisions of the law is likely to prove extremely tedious, and they are accordingly recommended to

skip this chapter and go to the next. In many African countries, there is no easy access to legal texts, commentaries or textbooks. This brings to the fore another challenge. The Indian Civil Code introduced in East Africa in the 1930s was printed with commentaries after each section. The same approach is taken by the Credit Union Model Act with Commentary published by CUNA/WOCCU, Madison Wisconsin, USA 1987 Edition and by the

Mercosur Framework Law of 2008.

2.3.2 Some Legal Frameworks for Pre-co-operatives and Village Groups

In 1983, legal provisions for village groups were made in Upper Volta (today Burkina Faso) and in 1992 for Common Interest Groups (CIGs) in Cameroon 1992 – two interesting models to study: how they were made, what they contain and how they are applied.

2.3.2 Village Groups in Upper Volta/Burkina Faso, 1983

The 'Ordinance portant statut des societes cooperatives et des groupements villageois en Haute Bolta' (Ordinance governing co-operative societies and village groups in Upper Volta) came into force in 1983. This law was made in a process of participatory law making during a period of four years with several inter-ministerial meetings, three regional seminars and two national workshops. Representatives of the Ministries of Internal Affairs, Justice and Finance as well as government officials in charge of cooperative development, directors of co-operative development centres (ORD) and a legal consultant participated in this law-making programme. The then Director of the Rural

Institutions and Credit, describes the above law as follows: *"This Ordinance translates the political concepts for organized self-help of farmers into legal norms, being flexible enough to adjust to existing structures (village groups), very educational by using simple language rather than rigid legal technical terminology. It describes the working, responsibilities, composition and powers of the different organs of village groups and of their members as well as their objectives. It is adjusted to the reality of co-operatives in Upper Volta and to the goal of giving the movement autonomy. It is an innovation and a political engagement of the State of Upper Volta".*

In Article 4 of the same Ordinance, village groups and their local unions are defined in the following way: they are –

1. "Voluntary groups of rural producers of economic and social nature, having

   common interests and the position of incorporated legal bodies.

2. Village groups have as their object to encourage, harmonize and coordinate all economic, social and cultural activities aiming at the improvement of the wellbeing of the members and of the community.

3. Village groups can transform themselves into co-operatives, if their economic activities grow and if they have proved their ability of social organization.

4. Village groups can form local unions of village groups in order to strengthen their economic viability or their position in the market taking account of the limits set by a social common bond.

5. The objectives of village groups are the same as those of co-operative societies defined in Article 2 of this Ordinance.

In accordance with the above Ordinanace, village groups are classified as "pre-cooperative, temporary Organisations (Art. 65, 1). Further details see Muncher 1984, particularly at page 33.

2.3.3 Common Interest Groups (CIG) in Cameroon, 1992

In 1990-1992 a special law for pre-co-operative associations was drafted in a long process of participatory law-making are simplified co-operative structures however, it is left to the members to decide whether they want to convert themselves into co-operatives or join co-operatives. With the CIGs, a flexible legal framework was added as a separate chapter to the co-operative law of Cameroon, allowing farmers to produce individually but to market their products collectively. Features of this new model are: a locally adjusted form, small membership (often below 20 members) and allowing operations with limited financial means. Under Law n. 92/006 relating to Co-operative Societies and

Common Initiative groups, these new forms of co-operative are defined in section 3 as

"autonomous private bodies belonging to their members, who shall manage, fund and control them.

Their activities shall be carried out without state intervention." Section 51, particularly at subsection 2 goes ahead to provide that they shall be corporate bodies and regulate matters enumerated in alit in their Articles of Association. Section 53 defines the power of CIGS to federate as follows: "A CIG or a union of such groups may become a cooperative society or join a co-operative society or a union of co-operative societies." During the first two years after this law came into force, 1, 794 CIGs had been formed in

West Cameroon with 39 unions and one federation.

Few text books are known to have ever been written on co-operative law. They are:

(a) Classics: Calvert, The Law and Principles of Co-operation, 5th Edition, Calcutta 1959;

(a) Surridge and Digby, A Manual of Co-operative Law and Practice, Cambridge 1967;

(b) Old books like Gachanja, How to Make By-laws, Marburg 1989;

(c) Hans-Hermann Munkner, Ten Lectures of Co-operative Law, Friedrich-Ebert-Stiftung, Bonn 1979;

(d) Friedrich-Eber-Stiftung (1983). The Legal Status of Pre-co-operatives. Bonn 2nd Edition; Hans-Hermann Munkner, (Ed.);

(e) Friedrich-Eber-Stiftung (1984). Towards Adjusted Patterns of Co-operatives in Developing Countries, Friedrich-Ebert-Stiftung, Bonn (1984); and

(f) Munkner/Wardenski (1997). How to Form a Co-operative Self-help Organisation. Manual prepared for United Nations Development Programme (UNDP). Nepal, Kathmandu/Marburg 1997.

Most of these books are out of print are not available to support this study.

Further, there are new books on co-operative law like:

(a) Henry ILO Guidelines for Co-operative Legislation, 3rd Edition;

(a) Marburg and New Delhi 2005; Cracogna et al 2013;

(b) International Handbook of Co-operative Legislation;

(c) Minishi: Understanding co-operatives in Africa, Nairobi 2012;

(d) Chukwu, Co-operative Education, Enugu 2012; and

(e) Munkner/Vernaz: Annotated Co-operative Glossary (German-English-French),

Marburg, a kind of text book explaining key technical terms in alphabetical order.

However, this books are not available to support this study.

2.4 Conceptual Framework

The study on Cooperativism, Administrative Law, and Sustainable Development in

Nigeria underscores the pressing need for a Universal Charter for Cooperatives. Cooperatives, as voluntary associations of individuals, have played a pivotal role in socio-economic development worldwide. In Nigeria, they have made significant contributions to sectors such as agriculture, finance, and healthcare. However, the absence of a comprehensive legal framework tailored to their unique needs has hampered their full potential.

Administrative law, which governs the actions of public authorities, intersects with cooperatives in regulatory and oversight capacities. A comprehensive legal framework can streamline administrative processes, ensuring that cooperatives are empowered, protected, and accountable. Furthermore, sustainable development is a core imperative for any nation, and cooperatives can be instrumental in achieving this goal. A Universal Charter would enable cooperatives to align their operations with sustainability

objectives, promoting economic growth, social equity, and environmental responsibility. This study advocates for a Universal Charter that harmonizes cooperative laws, administrative regulations, and sustainable development principles. Such a charter would provide a consistent, supportive environment for cooperatives in Nigeria and could serve as a model for other nations. In doing so, it would foster economic growth, empower communities, and contribute to a more sustainable and equitable future for all.

2.5 Conceptual Explication

In this study, sustainable development in Nigeria is modelled on the intersection of cooperatives, cooperativism, public administration and law. It is structured to address the various narratives which posit that poor results from the Nigerian public administration, in particular the massive poverty of the majority of the citizenry is among others a product of sub-optimal utilization of resources. In the instance case, the capabilities of cooperatives to pull micro resources into macro pools, across both vertical and horizontal lines for bottom-up resource mobilization is evaluated for possible reconstruction. In this regards, the virtues of the co-operatives is espoused unto an improved philosophy for cooperatives, specifically the works of Karl Popper. Karl Popper's works shall herein be referred to as Popperian philosophical thoughts. Furthermore, both co-operatives and cooperative law are modelled on upscalled legal frameworks. The idea is that current Nigerian statutory provisions on co-operatives are more disenabling than it enables the co-operatives. Thus, this study models a top tier legal policy in the form of a Universal Charter for Cooperatives, which is built on the logic of providing a template for Nigeria co-operative legislation. The gravamen is to have the ideal Nigerian public administration through advanced cooperativism attained

through appropriate reviews of relevant laws. The model supports the narratives that sustainable development is better implemented in

Nigeria through a people oriented and solidarity based public administration.

2.6 Summary of Gap in Literature Reviewed

The literature review for this research seek to identify and analyse works that have been completed prior to this work, which possess some significant degree of relevance to this research. The foregoing brought to the fore some overwhelming revelations. There is a dearth of literature that addresses cooperatives as a sub-field of public administration, and cooperative law as a sub-field of administrative law. The only exception is administrative law in Nigeria, which devout a chapter to cooperatives, and cooperative law. Furthermore, although there are some works which made attempts to equip cooperative field workers on the basics of cooperatives and cooperative laws. Such works fall short of the standards required of research or academic literature.

More challenging is that available works are also not suited within the implementation of sustainable development programmes, neither were they attempts to treat cooperatives and cooperative laws in their joint capacity as tools for public administration. Thus, this research relied to substantial extents on foreign literature as a background to the development of modern cooperatives, cooperative laws, cooperative philosophy, cooperatives as mechanisms for public administration, and ultimate for sustainable development.

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Chapter Three Methodology

3.1 Research Design

In this chapter, the research methodology adopted for in this thesis were espoused.

The study adopted content analysis research design. Data were collected and analysed to examine Nigerian cooperatives from the lenses of public administration and how well laws have robbed off on cooperative development in Nigeria, and in other countries. It was an in-depth investigation which involved the conduct of several interviews, and the observation of cooperative societies and several cooperators. Theoretically, the study reviewed relevant literature from both Nigerian cooperative movement and the international cooperative movement. The research fields were, Nigeria, Kenya, Rwanda, Malaysia, Bosnia – Harzegovina, South – Korea, and France. The primary research locale were Oyo state, Lagos state, Osun state, Delta state, Ogun state, and Ondo state.

3.2 Population of the Study

The study population was drawn from primary, secondary, and tertiary cooperative societies across all tiers of the cooperative movement, particularly in Nigeria. The study population also includes institutional stakeholders such as government departments, government officials, financial institutions, as well as cooperators. Emphasis was placed on long standing cooperators, chieftains of cooperative societies, senior government officials, outstanding members of the social solidarity economy, representatives of nongovernmental organisations (NGO), cooperative professional and academics involved with cooperatives and their governing laws. Twelve (12) interviews were conducted in each of Kenya, Rwanda, Malaysia, South Korea, Bosnia – Harzegovina, South – Korea, and France. Only twelve (12) interviewees were selected per country due to obvious limitations, principally this authors was priviledge to securing travel grants which were primarily meant to attend conferences in each of the countries. Thus, author was only able to spend in each country the limited number of nights as covered by the travel grants Eight (8) of the interviews in each of these countries where conducted with cooperators, and the other four (4) were conducted with members of the academia. This was with the exception of Bosnia – Harzegovina where only two (2) interviews were conducted, one (1) each for long standing cooperator and the other for a member of the academia. In many of the circumstances, the interviewee were representative of more than one of their groups of long standing cooperators, chieftains of cooperative societies, senior government officials, representatives of non-governmental organisations (NGO), cooperative professional and academics involved with cooperatives and their governing laws . Thirty (30) long standing cooperators were

interviewed in each of the following states: Oyo state, Lagos state, Osun state, Ogun state, and Ondo state, with the exception of Delta state where only fifteen (15) were interviewed. Some of these interviews were held in person, while others were conducted through alternative means, for example, virtually.

Table 3.1: Table of Location in Nigeria Where the Purposive Designed Fieldworks were Conducted

State	**Total**
Oyo State	30
Lagos State	30
Osun State	30
Ogun State	30
Ondo State	30
Delta State	15
Total	**165**

Table 3.2: Table of countries where the field works were conducted Country Total

Kenya	12
Rwanda	12

Malaysia	12
South Korea	12
France	12
Bosnia-Herzagovenia	02
Total	62
Grand total	227

Total population of countries covered …….. Six (6)

Total population of states covered in Nigeria …….. Six (6)

Source: From author's fieldworks.

3.3. Sample and Sampling Techniques

Table 3.3: Table of total number of interviewee

State	**Total**
Nigeria	165
Other countries	062

Grand total	227

Total population of the respondents (interviewee) 227. The number of respondent (interviewee) within Nigeria is 165, while 62 interviews were conducted outside of Nigeria. The six (6) states selected within Nigeria were as a result of proximity to Ibadan, Oyo state where the researcher is domiciled. The choices of Rwanda, Malaysia, South Korea, and France were made because this researcher had the priviledge to attend conferences or workshops in this countries at the following times:

(a) Kenya : 2019;

(b) Rwanda: October 2019;

(c) Malaysia: February 2020;

(d) South Korea: November 2021; and (e) France: September 2022.

3.4. Justification for using Specific Countries

Kenya is the seat of the African cooperative movement. Nairobi, the capital of Kenya hosts the regional headquarters of the international cooperative alliance. Furthermore, the countries is often adjourned as the pacesetter within the African cooperative community. The cooperative university of Kenya is a shinning example among its contemporaries in the field of research and teaching of cooperatives and allied disciplines in Africa. some areas of the Kenyan economy such as agriculture, housing, finance etc are built around the cooperative movement. Also, the country shares some striking similarities with Nigeria, in critical areas such as ethnic and religious diversity, party-politics, colonial history, etc.

Rwanda is situated around the geographical centre of Africa. the Rwandan cooperative movement has a long history that dates back to the pre-colonial times. However, the Rwandan cooperative movement has been most instrumental to the sustainable development of the country from the commencement of efforts aimed at post 1994 genocide. Rwanda, though much smaller in geographical and economic terms in comparision to Nigeria offers quality lessons to Nigeria. These lessons cover utilization of cooperatives for socio-political integration, economic development, environmental management, and regional integration.

Malaysia is an Asian country with nearly similar colonial history with Nigeria. Both

Malaysia and Nigeria had at different times shared very similar socio-economic trajectory. Importantly, the Malaysian cooperative movement under its flagship apex society *Angkasa* has in the last few decades risen from the status of an ordinary apex cooperative society to earn its place as a competitive global brand.

Similar to Malaysia, South Korea is an Asian country with a strong cooperative tradition which has attracted the interest of both practitioners and academia. Also, the South Korean cooperative movement have been particularly instrumental to the rebuilding process of the country from the end of the Korean war of 1948.

The cooperative movement in France is one of the oldest, and currently most advanced in the world. Furthermore, the history of the French cooperative movement is one of the most documented in the world, and this study had in part relied on this documented history in its literature review.

3.5. Description of Research Instruments

The instruments deployed for this study were review of relevant literature, interviews, and observation. Questionnaires was not deployed because upon observation, a large number of members of the cooperative movement were averse to the idea of responding to multiple question questionnaires. Also employed were informal discussions which added value to the conducted interviews, within this framework, the questions and discussion revolve around the following:

(a) Whether there are impediments to the actualisation of sustainable development in Nigeria and the global south?

(b) What are the reasons for the underdevelopment in Nigeria and many parts of Africa?

(c) What are the reasons for the failure of the Millennium Development Goals to reverse underdevelopment in Nigeria and the global south?

(d) What are the reasons impeding the implementation of the Sustainable Development Goals in Nigerian and the global south?

(e) Are the people governed playing appropriate roles in the drives towards sustainable development in Nigeria and the global south?

(f) What is the most appropriate model to reverse the underdevelopment in Nigeria and the global south?

(g) Which is the most appropriate model for the integration of the people (the governed) into the development processes in Nigeria and the global south?

(h) How can sustainable development be institutionalized in Nigeria and the global south?

(i) Are there appropriate legal frameworks to support sustainable development in Nigeria and the global south?

(j) Are cooperatives in Nigeria and the global south positioned for significant contributions to the sustainable development initiatives?

(k) Is there a proper intersection between Nigerian and the global south economies, and the cooperatives and the social solidarity economy?

(l) Is there a proper intersection between the cooperatives and the social solidarity economy and the socio-political structures in Nigeria and the global south?

(m) Is there a proper intersection between the cooperative, social solidarity economy and cooperative laws and allied legislations?

(n) What are the identifiable deficiencies within the cooperatives and the social solidarity economy in Nigeria and the global south?

(o) How practicable is the idea of a top tier international legal framework built on the cooperative model at institutionalisation of sustainable development in Nigeria and the global south?

3.6. Validity of Research Instruments

In order to ensure the validity of research instruments, the following steps were taken. Firstly, only literatures accepted by the larger cooperative movement which is allied to the International Co-operative Alliance were selected for reviews. This brings to the fore the pertinent fact that not all literature on cooperatives and their governing laws are acceptable to the larger cooperative movement. Secondly, interviews were conducted to only members of the cooperative movement with proven track records. These interviews were personal and strictly confidential, ingredients which ensured some revelations about the internal politics and related components of the cooperative

movement which were revealed in the cause of the interviews are currently properly managed. Some of these instruments were also made available to experts in the fields of public administration and law to scrutinize. Their feedbacks were valuable and ensured increased validity.

3.7. Reliability of Research Instruments

The literature reviewed, interviews conducted, and observation were tested to ascertain their stability, dependability and predictability at different times. The reliability coefficient was calculated using the Crombach Alpa Formula to be 0.84. 0.86, and 0.84 respectively. The following questions were crucial to the reliability tests:

(a) Are the literature reviewed relevant to the research objectives?;

(b) Are the inferences from the reviewed literature relevant to the research objectives?;

(c) Did the persons interviewed possess knowledge relevant to the research objectives?;

(d) Where the questions asked relevant to the research objectives?;

(e) Where the responses given to the questions relevant to the research objectives?;

(f) Where the fields observed relevant to the research objectives? and

(g) Where the inferences from the fields relevant to the research objectives?

3.7 Administration of Instrument and Method of Data Collection

The data used for this study were obtained from two sources. These sources are:

(a) Primary source; and

(b) Secondary source.

Primary Sources of data were the following:

(a) In-depth interview sessions with long standing cooperators and seasoned academics with research focused on cooperatives and their governing laws; and

(b) Field observations of the activities of cooperators, cooperative societies, cooperative monuments, and cooperative buildings.

Secondary data were obtained from both published and unpublished works materials such as textbooks, journal articles, conference proceedings, encyclopedia, government documents, institutional materials, internet materials, and research works. These materials were from a diverse and broad range of disciplines such as: political science, public administration, economics, sociology, history, geography, and law.

3.8 Method of Data Analysis

The data from both primary and secondary sources were analysed using descriptive and content analysis to examine cooperativism, administrative laws and sustainable development in Nigeria, and the practicability of a universal charter for cooperatives.

Chapter Four

Results and Discussions of Findings

4.1 Presentation of Research Questions

In this chapter results from the application of the research methodology in chapter three are enumerated and discussed.

The following are some of the persons interviewed and the location were the interview was conducted**:**

(1) High Chief Oriyomi Ayeola, Lagos, Nigeria.

(2) Professor Willy Tadjudje, Kuching, Malaysia.

(3) Dr Olivera Mukilira, Kigali, Rwanda.

(4) Professor Esther Gicheru, Nairobi, Kenya.

(5) Professor Isaac Nyamongo, Nairobi, Kenya

(6) Dr Sifa Chiyonge, Seoul, South Korea

(7) Song jerry, Seoul, South Korea

(8) Chieftains of Malaysia apex cooperative, Angkasa, Kuching, Malaysia.

4.1.1 Research Question One: What are the reasons for Nigeria's underdevelopment?

1. Answer to the question where sourced from the lenses of public administration, law, and historical analysis. Thus, it begins with an analysis of the Historical Development of Regulation of Co-operative Societies in Nigeria, and Effects of Regulation.

Co-operative Societies as Public Enterprise

The analysis is better undertaken from the broader perspective of treating Nigerian cooperative societies are hybrid organisms, that is cooperatives can neither be called government department in a strict sense neither can they be referred as to as business company in a pure and simple expression. To prove this assertion, the study relies on

the work of a scholar on Customary methods of cooperation encapsulated all aspects of the endeavour indigenous Nigerian. These endeavours transcend the economic, social and politics[1]. In Nigeria, one of the commonest modes of cooperation among are the mutual aid association[2]. These mutual aid associations are systems which enables people to come together at lending their collective labour to members in turn. However, British explorers and colonial administrators brought their style of administration including the modern system of co-operative movement, as system widely imposed on locals.

This assertion is the view of this author. It is built on the fact that the system introduced by the colonial administration was not in accordance with customary practices of the indigenous Nigerians. Furthermore, there are no known consensus between indigenous Nigerians and the colonial administrators on the most appropriate model to adopt for cooperatives. The relics of the imposed culture subsists till date, and currently takes its toll on the Nigerian cooperative movement.

The reception of the modern mode of cooperation in this country same as the customary models of cooperatives as practiced by our forebears bears attestation the common saying that one of the great lessons from history is that man cannot successfully and objectively live by himself and for himself alone. Man is therefore dependent on others. In effect, cooperation, the joint working of two or more, is as old as human society. Social progress had depended on it and modern civilization cannot continue without it. The hypothetical case of Robinson Crusoe stands as an example of the failure of a solitary life is a case in point[3]. He had to build his own house, make his own clothing, raise his own food etc.

But surely in the final analysis his problems became compounded and perhaps intractable. Be that as it may, whenever people worked together voluntarily to help one another by providing group services in the past they actually had a simple form of cooperation. From time immemorial, as earlier stated, there had existed in Nigeria various types of traditional "Mutual Aids" through which people provided services and catered for their needs. The "Esusu" or "Ajo" wherein people contribute money regularly and take the pool rotationally; the "Aaro" 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 to a large extent to satisfy various aspects of human needs. Similar systems are adopted by various communities the world over. These types of cooperation merely imply "working

together"[4].

The concept of cooperation is, therefore, the means of solving economic and social problems among common people which concept transcends mere working together. It is a form of organization or a way of doing things. It can be seen as an idea as well as a way of life. It is a common bond that binds people with common economic interests together in their pursuit of those economic interests or needs. The form and level of cooperation in every community is a manifestation of the level and mode of economic development in the area. Thus, the Nigerian communities practiced the forms of cooperation that were consistent with their level of socio-economic development, bearing in mind the needs and problems of the members, and the dictates of the economy around the early thirties when modern cooperation was introduced to Nigeria. These included:

(a) Proper processing of food crops;

(b) Marketing of crops both local and export crops, especially cocoa;

(c) Attempts to arrest price fluctuation; designs for combating literacy and ignorance of peasants, craftsmen and artisans;

(d) Plans to arrest middlemen's activities; and

(e) Programme to combating usuries of established money lenders[5].

In the words of C.F. Strickland *Cooperation in Nigeria, therefore is not only a matter of increased or improved crops, nor even of credits to cultivators who wish to change their farming methods, valuable and necessary though associations for these purposes will be. It is also a question of urban and rural thrift, of cooperative building, of labour contracts, aforestation and the prevention of erosion, of the preservation and expansion of handicrafts, of the supply of electric light and power, the organization of individuals for a better diet, for precautions against disease, and for sanitary measures in town and country, of the extension of education, and of group agreements for the removal of social evils and the spreading of better customs. Institutions of all these kinds will not leap suddenly into existence, some of them may never come into being in Nigeria at all; they are mentioned in order to show that co-operation may be invoked in the entire field of human life, and the task of the co-operative organizer is to discover what improvements of any description of the more reflective of the people theoretically desire, and then to organize them in a joint effort to secure the improvement*"[6].

Cooperation can therefore be seen as a form of organization in which persons, usually, of small means join together and pool their resources in order to achieve economic or other objects which if they act individually and independently or in mutual competition will be beyond their reach. To be truly cooperative, this form of organization must have certain essential characteristics, namely:

(1) The basis of Union must be voluntary. This element of voluntarism implies freedom, liberty and democracy.

(2) The Union is of human beings. As such, a member's voice and influence in the affairs of a society should be proportionate to his character and intelligence, not to his share-holding or other pecuniary interest or even his status in the society. Here a cooperative society differs from a joint stock company or other similar enterprises.

(3) Democratic control – all members are equal and the rule of 'one man one vote' must

be strictly observed.

(4) There must be a definite and common object in view for every society, towards which every member works.

(5) Open membership – all people who can benefit from the services of a co-operative union are admitted to membership.

(6) Limited interest is paid on capital – money invested in a co-operative society is allowed only a nominal and modest rate of return.

(7) Surplus earnings are distributed in proportion to the use made of the services of the cooperative organization. What is usually paid out as profit to share-holders in

business is returned in a cooperative set up to those who created the surplus as patronage bonus[7].

There are some additional principles which, though not essential, are often synonymous with cooperatives:

(a) Political and religious neutrality in the conduct of the affairs of the society: Cooperatives insist on strict neutrality on all religious and political matters. In other words, political and religious opinions of a member should have no influence whatsoever on the affairs and policies of the society.

(b) Business could be in a cash or kind in preference to a credit basis.

(c) Goods and products handled are sold at current market prices.

(d) Every genuine cooperative society exists to stratify the felt needs of its members thus making it possible for every identifiable economic human endeavour to be effectively covered by the co-operative system. The result is that the cooperative movement as we have it in this country, is a multi-dimensional organization, providing people from all walks of life with an opportunity to participate, be they producers, suppliers, consumers, employees, farmers or traders, for cooperatives engage in trade, commerce, farming, marketing, distributions, financing, insurance and allied enterprises to mention a few.

(e) As an association of human beings with the object of solving the economic problem of its members, immediately a cooperative society is formed, there arise some questions of rights and duties, responsibilities and liabilities, all of which require to be guided and directed through a code of Laws and perhaps some conventions. The Cooperative Societies Law (Cap. 26 of the Laws of Western Nigeria, 1959), which is the product of

the evolution of the original Co-operative Societies Ordinance No. 39 of 1935, did provide the required legislation in this area. The question to be asked at this juncture is whether there is any marked difference between the indigenous self-help organizations like the *Owe* or *Esusu* etc. earlier mentioned and the imported modern co-operative. It would appear there is little or no difference between the two especially when the above enumerated characteristics are applied as the measuring rod. If any difference at all, it does not lie in the basic principles but in the organisation chart including the supervisory aspects by government officials of the imported modern cooperative movement.

Perhaps it should be pointed out that the large measure of success achieved in Nigeria by the state-sponsored organisations in the name of "Cooperatives" is due mainly to the fact that such organisations have nothing basically opposed to the native or autothonous selfhelp activities already existing in villages, farmsteads and the age or professional groups which for a long time had existed in big towns before the advent of Europeans. The only problem would appear to be administrative after the importation of modern cooperatives as shall be seen in the course of this discussion. There is no question of the imported cooperative system being superior to the indigenous ones. That conflict does not arise since, for example, the "Co-operative Thrift and Credit Society" is more or less like the indigenous *Esusu* except that the former is organised and operated on the basis of its written bye-laws. Moreover, the Government no doubt took into account the indigenous practice in preparing its policy objectives on cooperatives by setting up public inquiries to feel the pulse of people especially in rural areas before importing modern cooperatives into Nigeria and thereafter before making any drastic changes in the existing practice[8].

The basis for the development of modern cooperation was provided by the Cocoa

Industry manned mainly by illiterate peasant farmers. During the first decade of the twentieth century, the idea of growing cocoa as a cash crop was introduced to Nigerian farmers through the supply of cocoa seeds and seedlings. The Government officials of the Department of Agriculture merely help to co-ordinate the organisation of the planters to facilitate proper education in the care and processing of cocoa. The group known as Planters Union was first organised by the peasant farmers at Agege on July 5, 1907. It later developed and two other Unions i.e. Egba Farmers' Union and Ibadan Agricultural Society emerged in 1911 and 1916 respectively. Encouraged by the development of these Farmer's Associations, the Government of Nigeria arranged for a tour of inspection to be carried out by Mr. C.F. Strickland, C.I.E. a cooperative expert who for three months (December 1933 to March 1934) conducted a survey on the possibilities of introducing a cooperative system into Nigeria.

The report of the survey formed the basis of the establishment of the cooperative movement in this country. After a careful study of the report, the Colonial Government recognised the merits of cooperation in the economic and social improvement of the masses in this country and accorded the cooperative movement an important place in its plans of National Development. His draft of the Cooperative Societies Ordinance based on his findings on the field during his enquiry, attached to the report, was enacted as the first Cooperative Societies, Colony and Protectorate of Nigeria No. 39 of 1935". A Registrar of Cooperative Societies in person of Captain E.F.G. Haig was then appointed mainly to supervise and advise the societies. Following upon regionalisation, the Registrar of Co-operative societies in Nigeria became the Adviser on Cooperatives in October, 1951 and the office of the Registrar of Cooperative Societies, Nigeria ceased to exist.

In August 1952, Mr. R.H. Gretton the second and the last Registrar of Co-operative societies in Nigeria retired. However, successive governments recognised the importance of modern cooperation in the economic and social development of the country. This is evident in the issue of a Policy Paper by the Western Region Government in June 1952.

The paper titled "Government Department Policy for the Western Region, Nigeria" highlighted the policy statements of the Government as follows:-

1. Expansion of Cooperative Movement.

2. Inclusion of Cooperatives in economic Plans.

3. Stimulation towards independence.

4. Facilities and services to be provided by the Government included:

(i) Legislation providing for easy registration and operation;

(i) Education and training of Cooperative Department Staff;

(ii) Direct and Indirect financial grants and Loans to Co-operative Societies;

(iii) Exemption from taxation of any surpluses accruing to Societies; and

(iv) Full assistance in any other way that would facilitate the operations of cooperative societies[9].

From that point, each Region had its own Registrar supervising its own "Cooperative Movement" based on similar policies and programme which still continued and which

bears reasonable similarities to what obtains in present day Nigeria. From the policy objectives of the government enumerated above one cannot say that the rules of cooperatives movements in Nigeria were imposed from outside without much explanation. Although the rules were written in a foreign language, they were merely a translation of what the societies were doing in actual practice. Indeed the government merely helped the movement to expand and aided their growth where necessary. There was no need for the government to start mobilising local farmers in rural areas primarily for the promotion of modern cooperatives because the farmers had already formed themselves into groups before the government intervention. Although the farmers might have been stark illiterates, they knew what they wanted and the advantages of cooperation. Although there might no doubt be one or two failures of administrative approach in promoting or expanding the cooperative movement as well as the legal frame-work for the implementation, this is not to say that the movement was imposed by the government. "Cooperative Movement" in Nigeria indeed started from the grass-roots purely out of the needs of the particular time[10]**.**

The elaborate history of cooperative movement among cocoa farmers dating back to 1907 is necessary in view of what is stated at pages 42 and 43 of the "Report of the Review Panel on Cooperative Principles, Laws and Regulations in Nigeria":

"The first cooperative law in Nigeria was passed in 1935 as the Co-operative Societies Ordinance was amended in 1938, also in 1945 and completely revised in 1948 to conform to the (British) Secretary of State's Circular Dispatch of 1946 which laid down the Cooperative Law of all the British Territories. This model Co-operative Law is included in the manual for Co-operative Law and practice by Surridge and Digby".

Nigerian Administration was broken into three (3) Regional Governments during 1951-

1954 and from that time Co-operative Matters became the "exclusive" concern of each Region. Therefore, each Region proceeded to enact its own Co-operative Laws based largely on the former Co-operative Ordinance Law in 1935. Western Region of Nigeria came with its Co-operative Ordinance Law in 1953. Eastern Region and Northern Region enacted their Laws in 1956 and Lagos which became a Federal Territory in 1958 has its own separate Law for the promotion and supervision of co-operative societies within the Federal Territory of Lagos.

Following the creation of 12 States in 1967, the Laws in the former Regions were adopted by the States created out of the 3 former Regions. Of course the then Mid-Western Region had already adopted the Western Law of 1953 since its creation as a region 10 years later. Lagos State took over responsibility for Co-operative Matters for Lagos in 1968 and by so doing adopted the 1958 Law formerly applicable to the Federal Territory of Lagos as their Co-operative Law. Consequently, Co-operative Matters were completely taken over by the 12 States thus creating a vacuum at the Federal level. Many subsequent conferences of Registrars of Co-operative Societies and meetings of members of the movement in the whole Federation indicated the need for the Federal Government to take more effective role in cooperative development. Conferences of commissioners responsible for Co-operative matters throughout the Federation Chairmanned by the Federal Commissioner for Labour which considered the views of the Registrar and the movement made recommendations that establishment of a Co-operative Division at the Federal level was an imperative if the pace of the co-operative development in the country was to be accelerated to meet the aspirations of the Federal Government and the yearnings of the movement."

It is incorrect to think that the history of either the indigenous or the modern cooperatives started in Nigeria with the enactments referred to above. In fact, the enactments were sequel to the efforts of the peasant farmers, which were built on their customary initiatives about self-help organisations. However, customary values of the people grew with the social and economic realities of times. Therefore, upon the introduction of the cocoa industry, customary system of self-help organisation grew with the sophistication to meet the need of the age. The government basically got involved to expand the frontier, stimulate and supervise the existing self-help organisation to metamorphose to modern cooperatives[11].

4.1.2 Research Question Two: From the lenses of public administration and law, what are the challenges hindering the implementation of sustainable development agendas in Nigeria ?

This question was answered from the lenses of public administration, and law. It starts by situating the existing forms of cooperatives, their social and economic importance and their problems

The cooperative movement consists of various types of organisation each relating to the needs of its members at a particular period. Individuals come together at village kinship, age or professional group, that is, from the primary level to organize primary societies to satisfy their economic needs in modern times in the following five broad lines:

1. ***Produce Marketing Sector:*** This sector represents the farmer's total efforts at organising their production processes and sales of their produce to the best advantage. It also

provides facilities for supply of farm inputs, savings and issues supervised credits to its members for necessary and productive purposes.

1. ***Farmers Multipurpose Cooperative Societies:*** This sector among other things, encourages members to engage in joint cultivation of food crops, supply members with improved seeds, seedlings and other farm inputs. It also aims at assisting them to obtain credit for production through the Agricultural and Cooperative Banks.

2. ***Thrift and Credit Investment Sector:*** This sector encourages the mobilization of small savings at the grass-root and provides facilities for members to obtain loans for onlending to its members for the promotion of their economic activities. It also educates the members in the management and sensible use of money.

3. ***Co-operative Consumers Sector:*** This type of cooperative carries out economic purchase of goods in daily use at fair prices for the benefit of consumers.

4. ***Other Sectors:*** This handles the provision of appropriate solution to economic and social problems and needs of members of various types of cooperatives e.g. artisanal, crafts, housing etc., thus providing a sound basis for the implementation of the integrated rural development of the affected area in the country[12]**.**

   To enable the primary units to achieve their objectives, societies at village level come together to form secondary units at district or local government level, known as unions. In the same way, unions federate into National Associations providing specific services.

   These are known as Central Service Societies. These include the Co-operative Press Limited which handles the printing and the supply of stationery needs of the Cooperative; the Co-operative Bank Ltd. – the Central Financing Organisation; the

Cooperative Transport Service Ltd. Which handles road haulage and tanker services; the

Association of Nigerian Co-operative Exporters Limited (ANCE) Apex for the Produce Marketing Arm of the Movement; and the Cooperative Supply Association Limited, which is the Wholesale Organisation of the Consumers Co-operatives[13].

State Consumers Union: As a result of the creation of seven more States in 1976, the Cooperative Supply Association Ltd. was not able to effectively supply the consumer needs of the people; hence the formation in each State of the "State Consumers Apex" which is saddled with the responsibility of catering for the consumer needs of its affiliated societies[14]. All these organisations, be they primary, secondary or tertiary, came under the umbrella of the (Oyo) State Supreme Co-operative Council formerly known as the

Co-operative Union of Western Nigeria Ltd. But on the creation of new States in April 1976, the Oyo Unit assumed the name of Oyo State Co-operative Union Ltd. In effect, the cooperative movement assumed the pyramidal structure as contained in the Cooperative Organisation Chart. Our sample shows that at the apex is the Oyo State Cooperative Union Limited. Immediately under the Oyo State Cooperative Union

Limited are the Craft societies, and Consumers Union Limited made up of about 100 Cooperative Consumers Societies. Also under the Oyo State Co-operative Union Limited there is, the Farmers Multi-purpose Cooperative Union with hundreds of Farmers' Multipurpose Cooperative Societies.

There is another organisation under the Oyo State Cooperative Movement; the Credit Unions Association with hundreds of Co-operative Thrift and Credit Unions. Also under the Oyo State Co-operative Union Limited there are the Farmers Multi-purpose

Cooperative Unions. There is another organisation under the Oyo State Cooperative movement; that is the Credit Unions Association with 42 Co-operative Thrift and Credit Unions with thousands of Secondary societies. It is pertinent to note that central organizations like the Co-operative Bank, the Cooperative Transport Service, the Cooperative Press, the C.S.A and the A.N.C.E. are all now encapsulated under the O' dua Cooperative Conglomerate. The trend in Oyo state is replicated in virtually all the states of the federation. However, of great importance to mention that the Co-operative Federation of Nigeria Ltd. forms the National Apex.

The organisations discussed above are not without their problems which are many and varied. Some of the problems are highlighted hereunder:

(A) ***Finance:*** Cooperatives are mainly formed by persons in the lower rung of the economic ladder. Thus, the capital base of many primary cooperative societies is low, and their operations are financed are self- financed and occasionally subsidized by tiers of government. Prior to this time, the administration and management of the finances of cooperatives was undertaken within the Western region by the now defunct Cooperative Bank Ltd in conjunction with the government. The result is that most cooperative societies lack adequate working capital to finance their operations. Also, the now defunct Nigerian Agricultural and Co-operative Bank which was established to replicate nationwide the roles played by the defunct Cooperative Bank in Western Nigeria. The impact of the defunct Nigerian Agricultural and Co-operative Bank was never seriously felt as the processing of a loan appeared protracted and cumbersome. Grants and subventions from the governments are no longer forthcoming in many states of federation.

(A) ***Other constraints:*** Other constraints facing the movement are as follows:

(i) Agriculture Sector

(a) Information shows that lack of adequate modern agricultural implements for use by farmers as those available at the Agro-Service Centres are grounded as a result of poor servicing. It is most desirable that the cooperative movement should be enabled to own tractors and allied implements.

(a) Inadequate supply of agricultural inputs, for example fertilizer, insecticides, herbicides etc. may frustrate the movement's efforts for better improvements.

(b) Poor infrastructural facilities e.g. roads, pipe-borne water, electricity etc. and also form cogs in the wheel of progress.

Consumers Cooperatives

(a) Inaccessibility to sources of supply of goods in daily use is a distributing factor to the movement. All efforts to secure distributorship of many of the locally produced fast moving commodities proved abortive. Lack of storage facilities is a serious handicap to good management.

Thrift and Credit Sector – Most of the Credit Unions are faced with management problems as they are not strong enough to retain the services of qualified and well-trained staff. This problem is not peculiar to the credit sector alone but is also common to other sectors of the cooperative movement[15].

Previous Legal Framework of Registered Cooperative Societies

It would appear that the Nigerian Cooperative Law has antecedents and a background totally alien to local, social and economic conditions. Although the cooperative movement itself is not foreign to Nigeria as earlier shown, some people may argue that

this country received both modern cooperation and its Laws ready-made from abroad. In fact, both did not come here direct from the original sources but passed through a second source. The earliest cooperative societies law were formulated in England and Germany. They were designed to give legal status and protection to the earliest consumers and credit societies respectively. Most their cooperative laws elsewhere were based on these two. For example, India was one of the earliest dependent countries to adopt the cooperative system and law based of the British and German pattern.

The classical British-Indian pattern of cooperation had come into being by 1904 and spread to other colonial territories thereafter. If found a foothold in East Africa from where the Gold Coast (now Ghana) picked it up in 1931. The Indian type of law copied by the other colonies was the Indian Cooperative Societies Act of 1912 which covers all kinds of societies. But the law operating in Nigeria started by taking account of the realities on the ground as far back as 1907 when the peasant Cocoa farmers formed themselves into a self-help association[16].

Evolution of the Cooperative Societies Law in Nigeria (Cap. 26 of the Laws of Western Region of Nigeria, 1959)

This law which provides legislation for easy registration and operation of cooperative societies has passed through a number of stages since it was originally promulgated as an Ordinance to make provision with respect to Co-operative Societies, Colony and Protectorate of Nigeria No. 39 of 1935"[17].

In 1948, three was another enactment. This was known as the Cooperative Societies Ordinance (Cap. 39 of the 1948 – revised edition of the Laws). Subsequent political divisions first as Regions and later as States – fashioned their Cooperative Societies law

on that of Nigeria. In 1953, a law to make provision with respect to cooperative societies,

Western Region Law No. 6 of 1953 was also enacted. The 1959 law entitled Cooperative Societies Law (Cap. 26 of the Laws of Western Region of Nigeria, 1959) was a revision of the 1953 enactment. In 1965, Amendments 8/65 Sections 3 – 12 were made to the

1959 legislation but these were revoked by edict No. 23/66 of 1966 (Revocation of Amendments 8/65 – Sections 3 – 12)[18].

Perhaps one should point out one obvious fact that the series of amendments highlighted have not changed the substance of the law since 1935. Observed changes are in respect of nomenclature in conformity with the political development in the country, formalization of some functions of the Registrar and transfer of some ultimate powers of the Registrar to the Minister or Commissioner. The only attempt at a radical change in the framework of the Cooperative Laws and Regulations in Nigeria was the 1978 Report of the Review Panel on Cooperative Principles, Laws and Regulations in Nigeria, Federal

Ministry of Information, Lagos and the Government's views on this. In the words of the

Federal Commissioner for Cooperatives and Supply in his address to the inaugural meeting of the panel on August 2, 1977:

"*In this connection, it is pertinent to note that although Legislation has to be resorted to as a way of matching our needs to modern day demands, it is a stark fact that since 1936 when the first Cooperative Ordinance was promulgated under the Colonial Administration, no significant and realistic steps had been taken in the country such as the National level to harmonize the Laws along the lines of a fast developing economy*

such as ours. I believe you all agree that after well over 40 years of introduction of cooperatives into this country a review of the Cooperative Laws and evolutions of an articulated and goal oriented policy on cooperatives is long overdue"[19]**.**

As earlier stated, not even the Western Region in 1959 when it attempted to put out its own laws, made an effort to bring about any significant change in their Cooperative Societies Laws and Regulations. The Western Nigeria Cooperative Societies Law (W.R. Law No. 6 of 1953) commenced on September 23, 1953. It is, however, fair to point out that the Cooperative Societies Regulations (No. 6 of 1936 L. of N1948 Vol. VII p. 303) were in the course of replacement on January 31, 1959 and were therefore omitted by Western Nigeria. The West therefore prepared its own Western Region Cooperative Societies Regulations, 1959 which commenced on December 3, 1959[20]**.**

The Report and Recommendations of the Review Panel on Cooperative Principles, Laws and Regulations in Nigeria were discussed at an international seminar at Jos on January 12 and 13, 1978. The report of the panel and the findings of the international seminar held at Jos, in present day Plateau State were subsequently discussed by the conference of Commissioners responsible for Cooperative Matters at Benin, in present day Edo state on January 26, 1978. Government's views on the report of the Panel in the light of the suggestions of the international seminar and recommendations of the Commissioners responsible for Cooperatives are discussed hereunder as far as are material for the present exercise.

(1) bringing about increased participation and involvement of the majority in decisionmaking which affects the lives of over 75 percent of the population;

(1) That the Federal Government should promulgate an all-embracing Co-operative Societies legislation applicable throughout the Federation with provisions setting out

the roles of the Federal and State governments, the extent of the independence of the cooperative movement, types and functions of co-operative organisations and structure of the co-operative movement (If this had been implemented it would have ensured some measure of uniformity through the country in the Laws of Cooperative Movement);

(2) That in order to speed up recovery of debt, the Director/Chief Registrar should be made a civil Court for that purpose with power to adjudicate on matters concerning the repayment of loans and attach property. (This recommendation has a far reaching effect on the rights of the individual to be heard in an open Court. If adopted the decision of the Registrar should be subject to appeal to the High Court);

(3) The adoption by Government of I.L.O. recommendation 127 of June 1976 urging governments of developing countries to formulate and carry out a policy under which cooperatives would receive aid and encouragement of an economic financial, technical, legislative or other character without effect on their independence. (If the Government accepted this recommendation hook, line and sinker without ensuring accountability for the public funds invested it would not have been in the best interest of tax-payers. Nigeria cannot be compared with West Germany of Sweden where the Governments have no say in Cooperative movement matters. In those countries no public fund is involved); and

(4) That the appointment of middlemen as licensed buying agents should be discouraged, because of its exploitative tendencies and to ensure that producers get maximum benefit from what they produce (It is in the interest of all that the middlemen should be discouraged for the simple reasons that they make more money than the farmers/producers themselves for doing little or nothing[21].

Other recommendations contained in the Panel's Report which were accepted by the Government are as follows:

(i) Cooperative Banks should be compelled to do most of their business with the cooperative organizations they were established to serve whether or not they are owned, controlled and managed by cooperators.

(i) Financial involvement of governments in co-operatives must be in the form of share capital only so that the governments can participate in the cooperative organisations just like any other shareholder. Since a government represents public interest, the dividends, etc. paid to the governments do not constitute exploitation;

(ii) Provision should be made to ensure that State regulations do not contradict Federal cooperative law and that where they do, the State regulations should be regarded as void;

(iii) Decision of the Director/Chief Registrar should not be final in any respect other than mere procedure. The decision of the Director/Chief Registrar on any issue of material importance to the other party except while acting in a judicial capacity must be subject to appeal to the Commissioner;

(iv) Provision of the law against misappropriation of the property of a cooperative society should enable any member of the public to complain. The right to complain should not be limited since public confidence and public funds are involved so as to avoid situations when both cooperative officers and government officials are unable to do anything about abuses or even refuse to do anything about them and members of the public can only

spread rumours which damage the image of the cooperative movement;

(v) Penalty in the law should not be based on just converting pounds to naira. A penalty should take into account the change in the value of money and also the nature of the offence and the amount involved;

(vi) Auditors report should specifically over profit and loss account, balance sheet, general state of the financial affairs of the society, management of the affairs of the society, overdue debts, valuation of assets and liabilities, disposal of profit, remuneration of any kind earned by Chief Executives of the Society including valuation of benefits in kind, verification of cash balances and securities, and a statement as to whether the Directors have made available to the Auditors all the documents, records and information necessary for the audit;

(vii) Every society must have an accounting period, and the period should be stated in the byelaws of the society. The period must be of twelve month duration;

(viii) Federal Cooperative Law should regulate the meetings of all registered societies on lines similar to the regulations of the meetings of companies under the Companies Act;

(ix) State Governments should be given power under the Federal Co-operative Law to make all such regulations as may be necessary for the purpose of guaranteeing it or giving effect to the principles and provisions of the Federal Cooperative Law;

(x) Law should specify what returns should be made to the Registrar and the frequency of the returns. The returns and frequency should be considered by the Panel which should consider accounting requirements;

(xi) Law providing for the appointments of a Secretary should specific his duties on lines similar to the provisions of the Companies Act;

(xii) There should be a register of shareholders, debentures, directors, chief executive, secretary and their shareholding;

(xiii) Sales by school cooperatives must be as close to cost price as the school authorities may decide in order to prevent students and pupils being taught exploitative tendencies so early in life;

(xiv) Notwithstanding any provision in the latter to the contrary a government or whollyowned government agency may hold shares in any registered cooperative society and any financial involvement of a government or government agency must be in the form of share capital only;

(xv) No member other than a government or wholly-owned government agency may hold

more than one fifth of the shares of a cooperative society;

(xvi) A member of the board of directors (or nay governing body of a registered society) may not participate in the negotiation of matters involving business contracts between him and the society or between the society and a third party lest the said member has some vital interest which is in conflict with the society[22]**.** The above seventeen (17) recommendations speak for themselves and if implemented they would have improved the lot of the cooperators, in fact, the ordinary man in this country. One cannot but comment on the legal effect of recommendation (v) above. If and when implemented it will prove an exception to the doctrine of "locus standi" in the field of law if any member of the public is enabled to complain and bring an action in Court[23].

Pre - cooperatives Law in Nigeria

Never in the history Nigeria have attempts been made towards having a legislation for pre-cooperative efforts. The reason, probably, might be that the people who come under cooperative umbrella already indicate their willingness to be Cooperators and work

hard towards having their organisations registered. Such units come under what Cooperatives have as Societies under development. This emphasizes the similarity between the indigenous and the imported cooperative and the integration of both. On the other hand, it runs in contrast to what obtains in pre-incorporation of companies.

In practice, immediately a group of people come together to form a cooperative society, approval for supervision is accorded such a unit as soon as members acquire and keep necessary books and records of accounts of funds subscribed by them. This approval for supervisions, which forms part of our development programme, appears to have more than compensated for any efforts towards pre-cooperative legislation. Thus it appears that legislation for the pre-cooperative stage is not required in the circumstances[24].

Special Legal Provisions for Cooperative in Relevant Enactments

As has been stated earlier, the promotion of cooperative is part of government development policy. Therefore, special legal provisions are made in other spheres of the commercial set up. Some of such provisions are subsequently mentioned. Cooperative Societies (Exemption from Stamp Duties and Registration Fee) Government Notice 690 (Law of Nigeria 1948, Cap. 39 Section 33) *This Notice may be cited as the Cooperative Societies (Exemption from Stamp Duties and Regulation Fees) Notice*, provides:

1. *"All instruments executed by or on behalf of a registered society or by any officer or member of a registered society relating to the business of such society are exempt from payment of stamp duties chargeable under the Stamp Duties Law and from registration Fees payable under any law relating to the registration of instruments for the time being in force"*

Similarly, Cooperative Societies (Reserve Fund – Reduction of Contribution) Order;

Known as Public Notice 121 of 1944 Legal Notice 1948, Cap. 39 Section 39). *This order may be cited as the Cooperative Societies (Reserve Fund – Reduction of Contribution) Order*, provides:

"The sum annually payable to the reserve fund by any cooperative thrift and loan society of Limited liability whose registered bye-laws prohibit the granting of loans in excess of the total amount standing to the borrower's Credit in the books of the Society shall be reduced from one-quarter to one-eight of the net surplus disclosed in the duly certified profit and loss accounts of such society."

It is pertinent to repeat the Western Region Cooperative Societies Regulations, 1959, because in order to give effect to the provisions of the cooperative law, these Regulations were made by the Governor on December 3, 1959 under Section 53(1) of the Western Region Cooperative Societies Law, 1953. Among others, the aforementioned regulation contain the rules guiding the operation of cooperative societies as well as the powers and duties of the Registrar under the law[25].

Another special legal provision is in relation to the exemption of cooperative societies from the payment of Profit Tax. This is Section 26(1) (b) of Cap. 39 of the Companies Income Tax No. 22 of 1961 which provides as follows:-

26 (1) There shall be exempt from tax –

(b) The profit of any company being a cooperative society registered under the Cooperative Societies Ordinance"

The Constitution of the Federal Republic of Nigeria 1979 makes oblique reference to cooperatives perhaps to the disappointment of many cooperators. It has to be pointed out that no provisions are made under this Constitution for the development,

supervision and control of cooperatives. The only mention is in Section 4, Second Scheduled, Legislative

Powers part 2 Exclusive Legislative List, Item 30 which reads as follows:-

"30. Incorporation, regulation and winding up of bodies Corporate, other than cooperative societies, local government councils and bodies corporate established directly by any Law enacted by a House of Assembly of a State"[26].

To most cooperative practitioners, this appears to be a ridiculous oversight by both the Constitution Drafting Committee and the Federal Government for the fact that no developing (and even highly developed) country can afford to miss out provisions for the development and control of cooperatives in their Constitution. But cooperators should not forget that a Constitution is a framework which cannot contain everything. Ours is one of the most voluminous Constitutions in the world. As has been shown, the interests of "Cooperative Movements" in Nigeria have been adequately protected by the ordinary laws of the land. The legislature will or can still go further if and when there is need for further protection.

Government Machinery for Promotion and Supervision of Co-operative Organization

The Cooperative Societies Division of their respective Ministry in each State has as the main objectives the organisation of the entire population of the State, who no doubt are the small operators, for solving social and economic problems. To achieve this objective, the Division performs the following functions:-

1. Administration of the Cooperative Societies Law (for example Cap. 26 of the Laws of Western Region of Nigeria, 1959) for proper functioning of the Cooperative Organisations.

1. Supervision of Cooperative business enterprises through inspectional and promotional processes.

2. Initiating, developing and advising on Cooperative policy and management matters generally.

3. Planning for the expansion of the cooperative movement within the framework of the Economic development programme of the State.

4. Dissemination of Cooperative ideology through suitable extension methods and communication technique, and

5. Development of human resources available through education of members and training of officers and employees of the movement and setting up Cooperative Functional Literacy Classes all over the States[27].

To ensure effective coverage, the services of the field staff of the Division are spread evenly all over the State. At village level, Cooperative Inspectors, who are grassroots workers are stationed within easy reach of every cooperative primary society and prospective Cooperatives with the Cooperatives Inspector supervising a number of societies. Zonal Headquarters are established in principal towns of each State. In addition, there are Cooperative Training Centres where cooperators are trained in the rudiments of Cooperative business. In order to facilitate this, the State Government has to approve sufficient staff establishment to operate on the field. For example, let us take Oyo State as our specimen again.

At the apex of the organisational chart is the Chief Registrar who is responsible to the Permanent Secretary is in turn responsible to the Commissioner. This is not to say that the Commissioner cannot call on the Chief Registrar direct about anything relating to

the cooperative movement in the State. Indeed, the presidential system of government allows the legislative to invite the Chief Registrar to throw light on anything involving expenditure of money. Perhaps to throw light on anything involving expenditure of money. Perhaps it should be added that the Chief Registrar as head of his department is also responsible to the Governor of the State. Under the Chief Registrar of Cooperative

Societies (CRCS) we have an army of officers. Directly under him there are two deputies.

One of them is in charge of the Cooperative College, Recruitment, Training, Research, Registration and other statutory duties.

The other deputy (DCRCS II) is responsible for "Finance, Audit and Statistics". Agricultural Cooperatives and Societies Management Service. Originally there was just one DCRCS but as his schedule became rather heavy the post of DCRCS II was created. Under each of them there are Assistant Chief Registrar of Cooperative Societies,

Principal Registrar of Cooperative Societies, Senior Registrar of Cooperative Societies, Registrar of Cooperative Societies and Assistant Registrar of Cooperative Societies. All these are in the cadre of "Registrar of Cooperative Societies". Next to this group are the cadres of the Higher Cooperative Officers, Senior Cooperative Officers, Principal Cooperatives Officers. Cooperative Officers and the Assistant Cooperative Officers. At the first rung of the ladder we have the Cooperative Inspector Cadre classified as Cooperative Inspector-in-Training Cooperative Inspector and the Chief Cooperative

Inspector. All these officers are either directly or indirectly responsible to the Chief Registrar of Cooperative Societies in the discharge of their duties of running the cooperative movement in any given State in this country[28].

Similarly, the Oyo State Cooperative Union Limited earlier referred to as the Supreme State Apex for all Cooperatives in the State has responsibility for member-education, cooperative expansion, publicity in the movement and local cum international public relations. In addition to these services, it supplies on behalf of the Chief Registrar and in accordance with Section 36(1) of the Cooperative Societies Law, audit services to all registered cooperative societies[29].

Staff Regulation and Rules of Service for Officers of Cooperative Departments and Similar Agencies

The officers of the Cooperative Division of the Ministry of Trade and Cooperatives are civil servants and are subjected to the same rules and regulations binding on all Civil Servants, i.e. the General orders, now known as Public Service Manual or Civil Service Regulations or Rules in some States and the Financial Instructions. However, bearing in mind the peculiarities of the nature of their duties, certain Rules and Regulations are drawn up for the Field Officials of the Cooperative Societies Division to follow. These rules, known as "Rules for Cooperative Inspectors, Nigeria" contain among other things a certain moral standard expected to be possessed by a Cooperative Inspector, some Codes of Conduct, the ethics of the profession and its modus operandi.

In the light of the foregoing especially the code of conduct set out above for Cooperative Inspectors and the type of routine inspection they have to perform, cooperative movement if properly funded by the governments in the country can easily be used as a vehicle of development both in the big cities and in the rural areas. Cooperatives are out to infuse into the people the sense of honesty, discipline and fairness by showing practical examples in its operation. The practice of fair administration coupled with the improvement of the lot of the common man under a system where the Executive Arm of the government has so vital a role to play in

cooperative movement in this country will surely lead to the development of important principles of administrative Law, as it is beyond dispute that Nigeria received and practices both modern cooperative and its law.

Research question three: What is the most appropriate measure to provide remedy the Nigerian public administration and administrative law?

Proffering answers to these question was commenced with a critique of the powers of

Nigerian regulatory authorities. This critique of the powers of Nigerian regulatory Authorities on cooperatives adopts research methods of descriptive and normative analysis of empirically generated data and the relevant statutory provisions. Three justifiable claims were made. Firstly, successful cooperatives are built on a synergy of cooperative ethics and robust laws, and the former draws its strength from the latter. Secondly, cooperatives exist on the fringes of Nigerian laws. The third claim responds by proposing a review of Nigerian cooperative laws, with a view to produce a standard synergy of cooperative codes of engagement. With emphasis on the supervision of cooperatives, particularly the roles of the director of cooperatives, a discursive attempt is made at rethinking and repositioning Nigeria for contemporary challenges, through the review of laws to strengthen the cooperatives.

Cooperative Societies as Entities That Bring a Different Way of Doing Business.

Cooperatives were originally established as palliatives to acute economic conditions as seen with the earlier models such as the Rochdale Pioneers, and the establishment of the cooperative banks in Europe by Hermann Scholze (1808-1883) and Friedrich Wilhelm Raiffeisen (1818-88) at a time in Europe when ordinary people had no access to credit from commercial banks, they had since grown into viable players in all sectors and levels of economics around the world. There are cooperatives for peasants, the struggling lower economics class, the middle economic class and the upper economics class. Their specificities at reconciling profit with the psycho-social needs of members and their host society brings uniqueness to the way business is done. In all countries, cooperatives are supervised by the state represented by a Commissioner, a Registrar or a Director. These does is not to undermine the fact that they are private entities, but like other private sector initiatives to enforce mobilization and regulation of their activities. Invariably, the director of cooperatives is saddle with providing remedial to the myriad of challenges confronting cooperative societies.

Director of Cooperatives

The roles, powers, and the exercise of such powers of the Director of Cooperatives are well enshrined[30]. According to section 1 (1) and (2); the appointment of the director is to be made by the President of the federal republic of Nigeria at the national level, and by the Governor of each state at the sub-national level (7). The “power to make regulations” as enlisted in section 56 of the NCSA Cap. N98. The Director exercises enormous executive powers which he holds in trust for the public on behalf of the President or the Governor. Whereas, the position of a Director is a political position, the exercise of powers requires

the highest level of enterprise. This is against the backdrop of the important position cooperative societies occupy within the framework of Nigerian socio-economics. The Director is also saddled with the duty of running the apex affairs of cooperatives and by implications all registered cooperatives in Nigeria, this is by virtue of the provisions of the NCSA Cap. N98.

Nigerian Laws

The body of Nigerian laws is immersed in the common law jurisdiction. The judiciary adjudicates based on statutory provisions and judicial precedents as obtainable from the case laws. Being a country that runs on the free enterprise, the body of commercial laws recognized in Nigeria by the court system includes, Company laws; Company and Allied Matters Act, Insurance laws; Insurance Act, Banking laws; Banks and Other Financial Institutions Act, Cooperative laws; Nigeria Cooperatives Societies Act etc.

The received English law; Nigerian legislation; Delegated or Subsidiary legislation; Nigerian Customary law; Case law or Judicial Precedent; International law constitutes the primary sources of Nigerian law. While Law expertise; Law texts, books and treaties; Periodicals, Journals and legal digests are secondary sources of Nigerian law.

Nigerian Cooperative Societies Laws.

Upon the introduction of modern cooperatives in Nigeria in 1934, the then colonial government promulgated the Cooperative Ordinance of 1935, which was modelled on the Indian Cooperative Society Act of 1904 as amended in 1912. Originally, the Nigerian

Cooperative Societies Act was originally enacted in 1993 as a military decree by the then

Federal Military Government. The following are the sources of Nigerian cooperative law:

The Constitution of the Federal Republic of Nigeria, 1999 (as amended), The Nigeria Cooperative Societies Act Cap. N98, Cooperative Development Act Cap. N27, States cooperative laws and regulations, and Bye-laws of each cooperative societies.

A Descriptive Analysis of the Director's Role within Extant Nigerian Cooperative Law

Item 32 of the Exclusive Legislature list of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides inter alia "Incorporation, regulation and winding up of bodies corporate other than cooperative societies, local government councils and bodies corporate established directly by any law enacted by a "House of Assembly of a State". According to section 4 of the 1999 Constitution of the Federal Republic of Nigeria provides that the legislative powers of the federation resides in the National Assembly, with powers to make laws on the constitution which is the groudnorm.

The provisions of the Exclusive Legislative List, when read together with Item 32 of the Exclusive Legislative List, could erroneously imply that the federal government is expressly, precluded from making laws on cooperative societies. However, a much practical approach suggests that the federal legislature's legislative powers do not cover matters of incorporation, regulation and winding up of bodies corporate such as cooperative societies established by a law enacted by a State House of Assembly. Therefore, the National Assembly holds the power to legislate on cooperative activities in the federal capital territory, those of cooperative societies registered with the Federal Department of Cooperatives and Nigeria's participation in international cooperatives, while the State Houses of Assemblies reserves.

This paper proceeds on a descriptive analysis of each section of the Act and how it relates to the Director. Section 1; it provides inter alia for the appointment of the Director by the President for the federation of Nigeria or by the governor of each state

for such state. It also provides in section 1(b); appoint persons to the Director. The act was salient on the qualification for the appointment of persons to the position neither of Director nor of the persons to assist them. This leaves the President or Governor with wide and unfettered discretion in the appointment of the Director and his team. Invariably, the President or Governor is at liberty to appoint into office well-educated persons, who unfortunately might not possess the expertise to handle the peculiarities of cooperatives.

Section 2(3) of the NCSA provides inter alia that a person appointed as a Director shall have a seal as may be approved by the President or Governor as the case maybe, and the impression of such seal shall be judicially noticed. This serves the primary function of empowering the Director on the registration of cooperative societies, as section 2, "Societies which may be registered" envisages.

Section 3 of the NCSA provides for the conditions of registration at subsection 3(7) inter alia *"Whenever, for the purpose of this section, a question arises as to age, residence……constituting the qualification of any person, that question shall be decided by the Director whose decision shall be final"*.

Section 4: Application for registration. 4 (1); An application for registration shall be made to the Director.

4 (4) The Director may make such alteration in a society's proposed By-law as he may deem necessary to bring them into conformity with the provisions of this Act.

Section 5: Provides inter alia, *"if the Director is satisfied that a society has complied with the provisions of sections 3 and 4 of this Act……., he shall register the society"*.

While section 7: Evidence of registration; provides inter alia *"A certificate of registration signed, sealed and delivered by the Director shall be conclusive evidence that the society mentioned in the certificate is duly registered".*

Section 11: Power of society to make by laws, empowers a registered society to make by laws necessary or desirable for the purpose for which the society is established, is subject to the provisions of section 4 (4) supra.

Section 22: Qualification for membership of a primary society. This sections provides explicitly for the requirements for the qualification for membership of a cooperative society, however section22 (2) empowers the Director in case of a society with limited liability to grant exemption from the qualification set out in the subsections of section 22.

Section 34: Disposal of profit. Being a part of part 4 of the Act; Property and funds of registered societies: Although section 34 (2) provided that *"At least one fourth of the net profits of a registered by the audit report shall be paid into a fund to be called the*

"reserved fund" *which shall be applied as specified in this Act"*. However, the same subsection 34 (2) empowers the Director with the discretion to from time to time exempt any registered society of limited liability grant from further contributions to the reserve fund, or reduce the rate thereof and may at any time revolve the exemption or reduction.

Section 36: Audit, empowers the Director to access the accounts of cooperative societies and give directives on such accounts. Subsections (6) and (7) provides inter alia; The Director or any person authorized by him in writing shall……have access to all the books, accounts, papers and securities of a registered society and shall be entitled

to inspect the cash in hand, and the society shall furnish such information as the Director or his representative may require. The Director may give directions prescribing the returns to be submitted by a registered society to the Director and the persons by whom and the time in which such returns shall be submitted, direction given by the Director under this subsection shall apply to all registered societies.

Section 37: Inquiry and Inspection: This section empowers the Director, who shall upon the application of simple majority of the members of the committee, or of not less than one- third of the members of a registered society hold an or direct any other person authorized by him in his behalf to hold an inquiry into the constitution, working and financial state of a registered society.

Subsection (5) empowers the Director to resolve with resolve financial issues between a registered cooperative society and its creditor. It provides inter alia, The Director may, by a certificate under his hand and seal, make an award apportioning the costs, as he may think right, between the registered society, the members demanding an inquiry, the officers or former officers of the society, and the creditor, if any on whose application the inquiry was held. This subsection grants unequivocal powers to act as a financial arbitration, the Director is further empowered as a liquidator, who can also take over, as subsection (7) provides inter alia; if an inquiry under subsection (1) proves that the committee of the registered society is inefficient, the Director may, for the purpose of resuscitating the society, take over the management of its affairs for a period of two years after which the management shall return to the committee.

Section 38: Cancellation of registration of a society due to lack of membership. This section empowers the Director to cancel the registration of a society on some specific

term, however, of particular importance are subsections (2), (5) and (6) which states inter alia;

(2) If the Director, after holding an inquiry or conducting an inspection under this Act or on receipt of an application made by not less than three fourths of the members of the registered society, is of the opinion that the society ought to be dissolved, he may make an order in writing for the cancellation of the registration of the society. (5) Where the Director makes an order for the cancellation of the registration of a society under this Act, he may make such further order as he may think fit for the custody of the books and documents and the protection of the assets of the society until the order cancelling the society until the order cancelling the registration takes effects.

(6) No registered society shall wind up except by an order of the Director or of a court.

The import of subsections (2), (5) and (6) is that it empowers the Director with full discretional power in the cancellation of the registration and winding up of a society, aside subsection (6) literally places the Director in his exercise of section 37, at par with the federal high court.

Section 39: Effect of cancellation of registration; this section not only confirms the legal capacity of the Director to act as or appoint a liquidator, but goes further to "impose any right, interest or power conferred on the society, under sections 15, 16, 17 and 18 of this Act shall be deemed to be vested in any liquidator appointed for that society by the Director.

Section 40: Appointment of Liquidator after cancellation of registration of a society.

This section further empowers the Director on the liquidation of a registered society subsection (1) provides inter alia, Where the registration of a society is cancelled by an

order under this Act, the Director may appoint a suitable person, subject to his direction and control to be the liquidator of the society.

Subsection (2) further provides twelve (12) other powers the Director can exercise on discretion.

Appointment of Liquidator after cancellation of registration of society:

a) Decide, subject to any Bye– laws defining the liability of members, the contribution to be made by present or past members or by the estate of deceased members of the society to its assets;

a) Appoint a day by notice in the Federal or State *Gazette* before which creditors whose claims are not already recovered in the books of the society shall state their claim for admission to be excluded from any distributions made before they proved them;

b) Decide any question of priority which arises between creditors;

c) Refer a dispute to arbitration, and to institute to his name or office and defend suits and other legal proceeding on behalf of the society;

d) Decide by what person and in what proportions the costs of liquidation are to be borne;

e) Give such directions as to the collections and distributions of assets as may be necessary in the course of the winding up of the society;

f) With the approval of the Director, compromise any claim by or against the society;

g) Call such generals meetings of members as may be necessary for the proper conduct of the liquidation, giving not less than fourteen days of notice for every such meetings;

h) Take possessions of the books, documents and assets of the society;

i) Sell the property of the society where necessary;

j) Carry on the business of the society as far as may be necessary for winding it up beneficially, provided that it shall not for the purpose be entitled to grant loans; and

k) Arrange for the distribution of the assets of the society in convenient manners when a scheme of distributions has been approved by the director.

Section 42: Power of Director to control liquidation; Further enforces the provisions of section 41.

Section 46: Power of Director to surcharge. This section can be rightly construed to empower the Director to not only compound the crime of fraudulent misappropriation, but to reward the crime. Section 46 is here quoted verbatim:

Subsection (1); where in the course of an audit of a registered society held the provisions of section 36 of this Act or of an inquiry held under the provisions of section 37 of this

Act or of the winding up of a registered society, it appears that a person;

a. Who has taken part in the organization or management of the society has or accountable for the money or property of that society; or

a. Has been guilty of a misfeasance or breach of trust in relation to the society, the Director may, on his own volition, or on the application of the liquidation or any creditor or contributor, examine the conduct of the person and make an order requiring him to pay or restore thereof with interest at such rate as the Director thinks just or to contribute

such sum to the assets of the society by way of compensation in regard to the misapplication, retention, dishonesty or breach of trust as the Director thinks fit.

Subsection (2) provides: This section shall apply notwithstanding that the act is one for which the offender may be criminally liable.

Section 47: Attachment of property: This section empowers the Director to act as an arbitrator on disputes as to attach the properties of parties involved in any of such disputes.

Section 47 (1) (a) and (b) is quoted verbatim.

1. When the Director is satisfied that a person, with intent to defraud or delay the execution of an order which may be made against him under section 46 (1) or 49 (1) of this Act or under any decision given in a dispute referred to the Director or an Arbitrator under by laws:

a. Is about to dispose of the whole or any part of his property; or

a. Is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Director,

The Director may, unless adequate security is furnished, direct the interim attachment of the property or such part thereof as he thinks necessary and the attachment shall have the same effect as if it had been made by a competent court.

Section 49: Settlement of disputes: This section empowers the Director to act as an arbitrator on disputes touching the business of a registered society.

Section 49 (1) Provides inter alia: If a dispute touching the business of a registered society arises –

The dispute shall be referred to the Director for settlement.

Subsection 2: A claim by a registered society for any debt or demand due to it from a member or nominee, heir or estate of a deceased member, shall be deemed to be a dispute touching the business of the society within the meaning of subsection (1) of this section.

Subsection (3): The Director shall on receipt of a reference under subsection (1) of this section-

a. Settle the dispute; or

b. Subject to the provisions of any regulations made under this Act refer it to an arbitrator appointed in accordance with regulations made under this Act for disposal.

Section 51: Division of Society:

This section prescribes the modus for the splitting of a registered society into two or more societies, it also provides for the division of the assets and liabilities of the society among the new societies. Subsection (8) and (10) empowers the Director to exercise executive powers in the division of registered societies and the consequent sharing of assets by both members and creditors. This also applies to the amalgamation of registered societies and the consolidation of assets as provided for in section 52 of the same Act.

Research Question four: Can a standard philosophy of Nigerian public administration or any of its sub-units stand as a pathway to the review of applicable laws? and

Research Question five: How could the philosophy of cooperativism be employed to address the challenges of underdevelopment in Nigeria?

Proffering answers to research questions four and five jointly serves better intellectual purposes than responding to the questions separately. These endeavour is undertaken with an adaptation of a philosophy for Nigerian public administration through cooperatives. Developing a standard theory for Nigerian cooperatives raises the following questions among others:

(a) Should a standard theory for Nigerian cooperatives be anchored unto economic aspect of cooperative thoughts? ;
(b) Should a standard theory for Nigerian cooperatives be anchored unto social aspect of cooperative thoughts? ;
(c) Should a standard theory for Nigerian cooperatives be anchored unto political aspect of cooperative thoughts? ; or
(d) Should a standard theory for Nigerian cooperatives be anchored unto a holistic and cooperative thoughts?.

These questions may be answered from a plethoral of understanding. This includes from a largely economic point of view as observed with farmer's cooperatives in the United States of America (USA), or the *Mandrogon* in Spain. Another is a largely socio economic point of view such as exhibited by *Angkasa* in Malaysia. Furthermore, a theory of cooperatives may be addressed from a blend of economic, social and political point of view as practiced by the Roacdale piooners. Also of interest are the Isreali versions of Kibbutz and Moshav which are presented and pronounced as socio-economic cooperatives, but nevertheless are critical political players in Isreal. Also finding the most appropriate philosophy upon which

any of the aforementioned political thought may be predicated may prove in itself a study. Therefore, this study attempts putting in place a philosophy for Nigerian cooperatives built on Popperism. This is aimed towards supporting the implementation of sustainable development in Nigeria.

Popperism: An Attempt to Theoretical Blend Nigerian Cooperatives Popperism.

It goes further to explore the relevance of the application of Karl Popper's contributions to social and political philosophy, especially, his antagonism of totalitarianism as espoused in his works, to Nigeria's development, especially, within the framework of the utilization of Cooperativism as an alternative to state developmental intervention. Given the above, this study attempts to develop cooperativism through a theoretical rethinking and practical repositioning of development theories and practices in Nigeria. The politics of many of African countries had remained ties to that of their former colonial masters or countries of the global-north, part of the results is low socio-economic development, reflection of not visit defective inter-state relationships, but also deficient developmental approaches, both affirmations of the consistent resolve of the elite class within many African state to run their country to their private advantages, a replication of what we could rightly call the Popperian closed society. The dysfunctional socio-economics trigger in the non-elite section of the populace, the penchant to survive, which is exercised through various forms of individual efforts, resulting in growth, without development, or as seen in some cases, development without sustainability; in either case, the society remains closed to the benefit of the elite class. In Nigeria, development agendas were in two-fold:

(a) Conscious, but half-hearted elitism driven development agenda; and (b)

Sub-conscious, but full-hearted people driven development agenda.

The both were captured by (32) Mimiko (1998) and Kawonishe (2001) as government development agenda formulated and implemented without due consultations with the people, the latter are the various small and micro individual and disoriented efforts. The both re-enforces the Popperian idea of the closed society, while the latter makes frail attempts to open it. However, with the strength in cooperatives, the under-priviledged classes have been known to pool their efforts together, although in rather unconscious forms. This has proved more resourceful, but still inadequate. It brings to the fore the necessity of turning to the philosophy of Cooperativism, coupled with some relevant ideas of Karl Popper. This becomes imperative in turning Nigeria from the idea of a closed society to the idea of an open society.

Nigeria's Development

As currently constituted, the country primarily runs a closed society which can better be unlocked through a people-government unified front built around cooperatives, particularly the more holistic concept of Cooperativism. Bearing in mind the success of variants of Cooperativism eg Kibbutzim and Moshavism in Isreal, with emphasis on how well they have sustained development. It becomes an imperative to attempt a replica in Nigeria. However, while the ideas of Cooperatives are not new to Nigeria, as they previously played significant roles in the Nigerian socio-economic space, the political configuration of the country has overtime persistently proved a drawback to their optimal-utilisation for sustainable development. Hence Nigeria remain under the grip of powerful persons and groups who harness the deficiencies inherent in weak private and public institutions. Thus, while the weak public institutions serves the interest of the elite class, the weak private institution, because they lack people led solidarities, is ill-equipped to elevate, nor redress the trend.

Development Accounts

These are theoretical frameworks or models upon which a state's economics, and political development is anchored. It could fall into different categorisation such as; capitalism, socialism, communism, or democratic, civil, dictatorial or modernization, structuralism, depending, neoclassical etc. It is about enquires on the most desirable of competing models which is best at effecting positive changes. Often, development accounts draw from multiple disciplines, such as the Arts, Social sciences, Pure sciences, etc. Development accounts should be subject to periodic changes due to the internal and external dynamic of economics, ecology and politics.

Nigerian Socio-economics and State Policies

That Nigeria is befuddled with massive socio-economic challenges need no further emphasis, priorities should rather be on how to unravel the causes and proffer enduring remedies. *Nigeria's political landscape is filled with a myriad of unreasoned policies – either hastily put together or poorly implemented. He went further to posit that "the gods and monsters that are involved in such activities appear to enjoy the country's underdeveloped status. An evaluation of recent initiatives has shown the lack of leadership, or institutional incapacities to spur sustainable development*[33].

Consequently, Nigeria currently lacks the capabilities to properly address the problems of hunger, poverty, unemployment, poor health, illiteracy greed, corruption, insecurity etc. This replicates first on the part of the government and then from the people. It leaves Nigeria in a position synonymous with the Popperian Closed society (state). The country's elite class is by significant measures a representation of the Marxian proletarian class. This is evident in their various isolation from the general populace, and subconscious willingness to maintain for a

closed society. Leaving the desires of the masses for a Nigeria with freedom, social progress, growing knowledge and enhanced cooperation (Open society) much of an utopian idealism.

Popperism

Karl Popper was a natural science philosopher with primary interest in Physics. However, he is best known for his exploit in the social sciences. His political thoughts, which has turned into body of knowledge, includes his criticism of totalitarianism and the closed society, his defense of freedom, individualism, democracy and open society. His works promoted enlightenment, rationalism and humanism, as against cohesion-driven nationalism and collectivism, which in Popper's view were irrational and merely reactionary due to the disadvantaged position of the proletarian class. Because cohesion-driven nationalism and collectivism, as were with previous experiences in some countries, is nationalism that antagonizes any different order within its fold.

The Discussion

Cooperativism is herein identified as a mechanism for sustainable development. This is against the backdrop of bourgousie elitism, and weak institutions. It becomes an imperative to further improve on the entirety of the knowledge framework that supports Cooperativism, so as not to restrict it to playing palliative roles in closed societies, as the case is with Nigeria. But to advance it potentials at playing not only non-violent revolutionary roles but also upward socio-economic roles in Nigeria. Consequently, a critical inquiry is made on the character and inputs cooperatives within the structure of the Nigeria socio-economics. The inquiry was to identify on the one hand, elements of the Popperian closed society in Nigeria, and on the other hand

reposition Nigerian cooperatives along Popperian principles to properly addressed hindrances on the path to the actualization of sustainable development in an open Nigerian society.

Bearing in mind the uniqueness of the Nigerian state, the primary focus is to integrate Popperianism into Cooperativism to make the latter a more effective theoretical and practical mechanism for Nigerian socio-economic development. While it is settled that Cooperativism is a viable development mechanism, the peculiarity of the Nigerian state requires it is fortified with Popperism to replicate the feats attained in other countries.

Issues, Controversies, Problems

A Descriptive Analysis of the Socio-Economic Challenges in Nigeria and the Roles of Cooperatives.

Growth without corresponding development, and widening inequality as currently obtains in Nigeria are reflections of a closed society. Politics in the Northern part of the country has a feudalistic origin, and in the Southern part, a largely aristocratic origin. There are no conceptual difference(s) between *feudalism* and *aristocracy.* Thus, their interplay comes naturally, perhaps strands of closed societies in different guises. It has culminated into the ‘‘evil-tripod’’ of nepotism-corruption, ethnicity and religion that sustains totalitarianism through many guises.

Among others, Nigeria currently faces the following challenges:

(a) Poor communication between government and the society;

(b) Sub-optimal utilisation of human resources;

(c) Market control by government;

(d) Slow infrastructural development; and

(d) Environmental and health issues.

Although the above are products of inadequacies on the part of the government. The society makes many attempts at providing alternatives or complimentaries, and some of these are through the platforms of the cooperatives.

Roles of Cooperatives

Cooperatives are very relevant to socio-economic development as they are community based, rooted in democracy, flexible and, participatory oriented. The utilisation of community spirit, identity and social organization makes cooperatives increasingly relevant in poverty reduction and job creation. One the face of it, the Nigerian democracy from 1999 to 2019 could fit into Popperian democracy, and open society, as it was observed that Karl Popper viewed Western liberal democracies as *"the best of all political worlds of those existences we have historical knowledge"*[36]**.** However, his view that democratic value resides principally in the individual freedom, and the ability of such democracies of self-correct peacefully over time is lacking in the Nigerian democracy. This is evident in the low synergy between government and society in Nigeria. Such that democratic value (substance) does not reside in the people (society) but in the government, as the individual lack full economic, social and political freedom, the variables which those in government largely enjoy. As a result, the objective intentions of the society is not imposed on government, but rather, the whims and caprices of the minority elite who are in government and are imposed on the society through various guises. Low level of access to education from the primary to tertiary levels means a large section of the Nigerian society will not possess the required mental capacity, not only to run their own lives but also to contribute maximally to the society, and also to challenge the incompetence in government. An ill-

educated person already has a barrier on the level of humanity he could attain both on the individual and social capacities. This led to the sub-optimal utilization of human resources and its various negative multipliers, which in turn indirectly confer the dominant economic and political power on the government, a power it exercises directly or through members of the elite class e.g. the allocation of import and export licenses, the allocation of petroleum exploration blocs, the allocation of licenses to establish private universities, the allocation of licenses to generate and distribute electricity etc.

The 1980s and 1990s marked a downturn in the fortunes of not only Nigerian cooperatives, but cooperatives in many other African countries. This was due to two major factors: (a) Rapid democratization; and (b) The severe economic challenges of the 1980s to the 1990s. Ever since, Nigerian cooperatives have grown in numbers but not in substance. The cooperative movement in Nigeria has been reduced to credit associations (thrift and credit societies). Majority of them currently operate on the principles and values of cooperatives as espoused by both the ICA and ILO, but are restricted to the small and micro segment of the Nigeria economy. Their basic and perhaps sole interest is restricted to how well their members survive the fangs of poverty on daily basis. Very few have been able to venture into more intensive sectors of the Nigerian economy, such as small, medium scale transportation, joint acquisition of land for large expense housing (not cooperative housing), building of entertainment halls for rent, building of few blocks of houses for rent ant purchases of heavy duty equipment for rent.

The foregoing category of cooperatives are often run by member of the upper lower class, or the middle socio-economic classes. Results of my field works show that members of such cooperatives are mostly middle or high level employees in the public and private sectors of the economy. Aside this category, the majority of cooperatives in Nigeria are operated in the micro or small agriculture and allied industry or as thrift and credit societies.

So immersed in their challenges that they are unequipped from playing significant political roles such as policy formulation an implementation. Cooperatives in Nigeria face the following challenges which among others prevent them from playing meaningful roles in the socioeconomic development of the country, quite in contrast with their counterpart in more advanced countries:

(a) Poor management;

(b) Insufficient capital;

(c) Member pettiness;

(d) Insufficient legal framework;

(e) Deficient conceptions of cooperatives;

(f) Ineffective integration of the cooperative movement;

(g) Prevalence of small and unviable cooperatives; and

(h) Weak relationship with the formal sector, especially the financial sector etc.

Realities as captured above, raises the Popperian question "How can we organise institutions that bad or incompetent rulers can be prevented from doing too much damage?"[39]**.** This question prompts us into making relevantly rational enquiries, leading us to re-engage with and rethink, as well as re-discuss, the institutional design of Nigeria. It is this task that motivates the paper towards the next focus. Towards this end, this paper specifically adopts and adapts what could be regarded as the framework of a blend of Cooperativism and Popper's political thoughts, relative to the problem of development in Nigeria.

Socio-economic Development in Nigeria: Exploring Popperian Cooperativism

A holistic enquiry into the socio-economics of Nigeria shows its unique historicism; a sequence of flawed approaches which psychologically empowers the government and the elite class, and also psychologically instills into the society the acceptance of the circumstance. Thus there is a synergy to keep totalitarianism running through conscious efforts by the government and elites, on the one hand, and sub-conscious reluctance of the society to resist and oppose. This is takes place under the pretence of statehood and patriotism; the groundwork for the needed level of totalitarianism in any given society, to ensure it perpetually retains the characteristics of a closed society.

The holism of the Nigeria socio-economics demands holistic approaches from proposed remedial, as such half-hearted measures would amount to mere palliatives, such is the demand on the Nigerian cooperative movement. The essentialism of cooperatives in Nigeria, requires both its form and substance are rejigged to address, both the form and substance of the country's socio-economics. This primarily requires gaining a holistic understanding of both variables:

(a) Socio-economics; and (b) Cooperatives.

These demands in Plato's words *"the rational examination of its essence"*[40]**.** Such understanding must be governed by both intuition and empirical inquiries. The progressive evolutionism of the Nigerian state first, requires the progressive evolutionism of the cooperatives. For too long the cooperatives have resigned to fate, running their affairs subconsciously around the fatalistic model of the lower cadre of naturalism. However contemporary challenges requires more intelligible approaches. A scholar supports this position with Plato's quote "*All institutions created by man, government, complimentary to government, alternative to government etc possess the tendency to degrade or upgrade depending on the*

intelligibility of the class or classes of men involved" [41]. Historicism, the philosophy that history is empirical, and possess the capability to predict the course of the future gets more germane when it comes into the social science, such has been its importance to economics, sociology, politics and even law. Various versions of historicism such as Keynesian, Marxist, orthodox Greek, support the assertion that both government and state naturally and necessarily evolves either in cycles, horizontally or vertically. Although there are often marked appreciation or depreciation, this is dictated by the product of conflicts within classes, or conflicts between classes, or an interplay of both. From the point of action of the society, it has to grow the philosopher-King through a people-built collectivism which has a joint form of "liberalism-collectivism", this is conceptualized in the upgrade of both form and substance of Nigerian cooperatives. Bearing in mind the cooperatives have been offering palliatives to socioeconomic problems in Nigeria, it is high time they become more adventurous in the socio-economic and political spaces. This will necessitate an upgrade along Popperian philosophical thinking and should be in tandem with the recommendations that follow.

Enlightened Humanism

Although Popper criticized Plato's enlightened humanism, what he (Popper) criticized was Plato's version of it, and not the concept in itself. Whereas, Plato's enlightened humanism was to support maximum loyalty of the citizen to the state, which in-turn produced versions of collectivism and nationalism; concepts that were to the advantage of the totalitarian tendencies of the state. Popper criticized the foregoing as the root of the closed society[41]**.** However, Popper in his critique of Plato's historicism argued that "human knowledge grows and changes overtime, and knowledge in turn affects social events". This could be regarded as a sort of epistemicenvironmental determinism, that our knowledge form affects and structures our

approach to the environment, and the environment also influences our knowledge form over the years[42]**.** Knowledge, according to Popper includes; social theory, ethical or religious ideas, scientific theory etc. Popper's rejection of Plato's historicism was on the premise that it rejected objective humanism, *"as long as it is granted that knowledge affects social behaviour and that knowledge changes overtime, then the view that we can predict the future must be rejected"*[43]**.**

Some logical inferences from the foregoing are:

(i) The protagonist of the closed society professes that the future is predictable and that they know it from their parameters; and

(ii) The society must antagonize such position by acquiring further enlightenment across board to liberate itself from the beneficiaries of the closed society and their propaganda.

An evaluation of the fifth principle of cooperatives; Education, Training and Information is apt in this regards as it to support this position (inferences). Moreover, according to the ICA, education and training for members, elected representatives and employees help them to effectively contribute to the development of their cooperative. Additionally, it helps to bridge the gap in expertise, knowledge and communication gap of and about cooperatives, not only within the cooperative society but with the general public. Hence the application of this principle should not be limited to its literal interpretation. Rather, it should be read up, with an appraisal of the seventh principle of cooperative; Concern for community.

Furthermore, both principles five and seven must be read jointly to include the duty to educate the community (society) on the evils of the closed society. Relevantly, it should espouse the impossibility of individualism to defeat it, and the imperatives of joining or

forming cooperatives with enlightened-humanism/liberalism-collectivism to open the Nigerian society for sustainable socio-economic and political development.

(b) Economics Liberalism – Collectivism

According to Marxists' economics-led politics, or more appropriately politics responding to the dictates of economic power, Cooperatives offer a platform for diverse sections of the society to emancipate their economic powers, to upgrade potentials of cooperatives, serving a role in meaningful non-violent class struggles which is an imperative to the opening the closed society. To Popper, "Change the (economic) conditions and the trends may alter or disappear". The emergence of new markets, technologies etc. must be collectively initiated or grab ahead of totalitarian elites and government. Social engineering must be anchored unto the society[44].

Whereas, Popper was in support of social engineering, he rejected both the Marxist fashioned proletarian-centrally-controlled model, and the government imposed so called "utopia social engineering. Both cases had in fact produced socialist systems with fervent attempts by governments or quasi-governments to define and dictate to the general populace what is freedom, justice, happiness, nationalism, law etc. Although this might have some advantages, it however utterly negates the concept of the Popperian open society, and more often than not supports his hypothensis of closed societies. This also became evident in the recent political economies of the defunct Soviet Union (U.S.S.R), Eastern Europe, China, North Korea, Cuba etc. As a fact, although the Russian revolution was progressive in nature, centralised and forced collectivism, especially of agricultural enterprises were particularly disastrous. Therefore, the economics of Cooperativism, built upon Popperian-propelled liberalism is recommended.

The fourth Cooperative principle: "Autonomy and Independence'' operates to ensure cooperatives are autonomous, self-help organisation controlled by their members. Even when they enter into agreement with or raise capital from other organisations, such must be done strictly on terms that ensure sanctify of their identity as autonomous cooperatives and the democratic control they exercise over their affairs, and members. Therefore, as Nigerian cooperatives get more adventurous in their drive for upward economic participation, unnecessary control from government or other agents of elitism or beneficiaries of totalitarianism such as multi-nationals must be rejected in their entirety.

Rather than conform to government-induced collectivism, the Nigerian cooperative movement should rather advance the course of sixth cooperative principle: ''Cooperation among cooperatives'', the cooperative movement is expected to upgrade cooperation and solidarity economics across all tiers; local, national, regional and international. The economic and social potentials of cooperatives as complementaries or alternatives to governments can only be achieved through the expansion in their capacities to work together[45].

Politics of Liberalism-Collectivism

In an earlier work; some of the factors impending the growth of cooperative societies in

Nigeria were identified to include their use as political tools by politicians and the state for selfish ends, and not development mechanism and partners as they ordinarily should be[46]. This does not defeat the fact that cooperatives have roles to play in politics. To Popper, the value of democracy resides in the sovereignty of the people, as to him "the people do not rule, only the government does". Popper went further to raise the following questions:

(a) Who exactly are the people? ;

(b) On what grounds are the people sovereign? ; and

(c) How shall they be represented?

These questions are better answered by Nigerians through the power of the cooperatives. The society is the people, but the power and sovereignty of the people resides in the government. The people are better represented if they could reclaim their power and sovereignty from the government through non-violent, well-coordinated solidarity structured socio-economic and political frontiers which a Popperian propelled Cooperativism offers. This aligns with

Popper's emphasizes on the importance of regular and non-violent ways to get rid of incompetent and corrupt leadership. He further recommended institutional control of the leadership by instituting checks on the exercise of powers by political leaders.

To him, the concept of utopian social engineering is a propaganda of the closed society; instead, he preferred what he called "piecemeal social engineering". To him, the former has the following elements: perfect justice, true equality, a higher kind of happiness; while the latter seeks to address: poverty, violence, unemployment, poor access to education, income inequality, environmental degradation etc. These in contrast to elements of utopia social engineering appear less significant, but in actual fact hold the substance to real social engineering as it addresses the basic needs of the majority. The follow-up to this is Popper's "Negative Utilitarianism". Popper posits that since piecemeal social engineering addresses basic social problems, the criteria to employ must be one that propels politics to reduce suffering rather than to increase happiness. To Popper, "human misery is the most urgent problem of a rational public policy".

From the foregoing, Nigerian cooperatives must further explore and broaden the interpretation of the second Cooperative principle: ''Democratic member control''; cooperatives are democratic organisations controlled by their members, who participate

actively in the formulation and implementation of policies either in their membership or elected representative capacities. The application of this principle must not only transcends their immediate cooperative society, and the cooperative movement; this principle should also be applied in the interaction of the cooperatives with the political/elite class, and the society. This could primarily take off with cooperatives taking the lead in the political education of the larger society, and engagement in the constructive agitations against the excesses of the government.

Legal Liberalism-Collectivism

In their modern and more effective form, Nigeria cooperatives are governed by legal instruments. Most important of these are the two Acts of the national assembly: (a) National Cooperative Societies Act CAP.N98; and (b) Cooperative Development Act CAP.C27.

A Popperian appraisal of these laws shows they barely support an open society, which among other indicates that they were hereto military decree domesticated into law in 1999 when democratic rule returned to Nigeria. The military itself, an aberration with huge totalitarian and authoritarian tendencies, which makes their rule perfect examples of closed societies. As such, there is an urgent need to appraise both statutes along with other corresponding and allied statutes at the national and sub-national levels with Popperian philosophical thoughts with a view to reviewing, amending and mobilising cooperative legislation in Nigeria to support the unlocking of the minds of the people for sustainable socio-economic development.

The societies across African are making several attempts at addressing their development deficit, many of this attempts are solitary while few are collective. With Nigeria as a case study this paper conceptualized the imperative of a common front to open the supposedly closed societies. The study situates Nigeria as an enclave of class struggle where the priviledged enjoy the country as it is run in its closed state, leaving the under -priviledged to grapple with the

burden of the resultant underdevelopment which is synonymous with poverty, disempowerment, disorientation, and solitary pursuits. To frontally address the adumbrated problem, the work argues that the underprivileged class In Nigeria should imbibe the philosophy of Cooperativism, upgrading and using cooperatives for socio-economic survival and growth, to ultimate ensure sustainable development. To reiterate, the problem of development besetting Nigeria could be frontally addressed through a blend of cooperativism and Popperism. It is the blending task that the present work has attempted to achieve.

The Imperative for a Universal Charter for Co-operatives.

Lastly, the idea of a universal charter for cooperatives is discussed. 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 Nigeria'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. This thesis critically reviews extant literature that problemitises the study, adopting the descriptive research methodology. The political economy of Nigerian co-operatives is appraised, with the following preliminary findings: Nigerian 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 Nigerian co-operative law, with capitalism having the better share, Nigerian 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 Nigeria. Although reviews

and advancements are currently being attempted through the harmonization of co-operative legislations within Nigeria, regional frameworks have not been particularly successful on the continent. Therefore, an appraisal of the political economy of Nigerian 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 subnational and national co-operative legislation is recommended. A Universal Charter for Cooperative Societies fashioned after the Universal Charter on Human Rights 1948 is then proposed for further development[47].

Co-operatives require laws that recognize their specificities. Laws are the primary framework upon which co-operatives are built[48]. 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[49]. 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[50]. The reverse has been the case in Nigeria. 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 Nigeria was introduced by English colonialist during the colonial period;
b. These laws have to large extent remained in the form they were introduced during the colonial era;

c. The Nigerian co-operative movement have not been integrated in the attempts at reviewing co-operative law in the country; and
d. There is not in place an Apex International Legal framework that "imposes" standards on Nigerian co-operative law[54].

This work adopts Nigeria as its primary research field. Therefore, co-operative law in Nigeria as currently obtains is largely an admixture of colonial administration and selfgovernment 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 proposed harmonization of co-operative laws should not be built on the current provisions of African co-operative laws because it is not representative of the Nigerian co-operative movement and its values

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[55].

b. Attempts by National and Sub-national legislature on co-operatives and allied matters:

Firstly, is the ground norm in Nigeria. That is the constitution of Nigeria[56]. This is followed by the nation primary legislation on co-operatives, and sub-national legislations with provisions for co-operatives[57]. Secondly, there are laws made by the legislature, of component units within each country[58]. These legislatures make primary laws that are in some cases whole devoted to co-operatives, and also in other cases, legislation with few provisions for co-operatives.

The above attempts are influenced by the Nigeria political economy, particularly the variant of political economy that prevails within each jurisdiction. Some authors explores internal and external rivalries among and within African states has predatory mechanism on national development[59]. 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. Nigeria is heterogeneous in terms of ethnic or religious composition[60]. A circumstance that had at different times catalyzed sectarian violence or civil wars. Ethnic and religious beliefs form significant parts of Nigerian customary laws[61]. Ethnic and religious rivalries in Nigeria 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 combine with the earlier identified challenge of class struggle in Nigeria, then it becomes easy to understand the reasons, the Nigerian cooperatives 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 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.

International Legal Frameworks and Co-operative Law in Nigeria.

That modern Nigerian 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 has profound impact on Nigerian law. These incursions made their marks in the development of Nigerian 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[62]. Technically, both public and private international laws became operational in Nigeria at independence from colonial administration. Thus, the operation of International Law technically begun in Nigeria on the 1st of October, 1960[63].

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

a. International legal instruments from the United Nation and any of her agencies;

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, Nigeria 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:

a. **Universal:**

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. An author 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)[64]. 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.

(i) 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.

There 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[65].

b. **Africa:**

The apex body for African states is the African Union (AU). Aside the AU, there are groups within Africa. These groups are in some case drawn along geographical location, and in other cases along colonial heritage. Some international legal instruments on co-operatives have been put in place along these orientations. The most renowned and perhaps most successful being the OHADA[66]. It is an African co-operative law that is operational in the French speaking countries. It is a sub-regional framework as it does not applicable beyond the jurisdictions of Francophone African countries. It was made in 2010 to replace the cooperative law in each of the French speaking African countries, and to establish uniformity of co-operative legislation.

The above listed international legal frameworks are robust enough to support the development of co-operatives through their governing laws. Other regions of the ICA such as Americas, Asia and Europe have relied on the frameworks provided by the UN, ICA and the ILO at developing their co-operative law. At doing this, they also developed their regional and sub-regional co-operative laws e.g.

The Model Credit Union Act of the Americas, first edition 1998, second edition 2008, which according to Hagen Henry has no binding force, but offers national law-makers convincing recommendations and viable commentaries on the subject; **The SCE Regulations of the European Union 2003** which according to Hagen Henry is a uniform standard law to supplement national laws for European cross-border co-operatives; and

a. The MERCOCUR Common Co-operative Statute 2009, which according to Hagen Henry is complimentary to the SCE Regulations.

However, the defective body of cooperative law in Nigeria is maintained by the political economy that produced it. Thus, while the legal frameworks from the UN, ICA and ILO has not been particularly effective, African initiatives such as the OHADA and the East African Co-operative Societies Bill have neither impacted positively on African co-operatives. What could be the problem?, Professor Willy Tadjudje, an expert on cooperative law, with emphasis on African co-operatives identified the following challenges with OHADA[67]:

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; and ii. There are resistances to apply the OHADA, because:

(a) National authorities are not ready and need more time; and

(b) They resist because in some countries national actors and authorities were not associated to the process of law making. An author further identified the following problems with the OHADA[68]:

i. The OHADA made no provision for savings and credit co-operatives (SACCOs); ii. 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 Nigeria in the various attempts at domesticating other international legal frameworks on cooperatives. Hans-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"[69].

The following positions are therefore canvassed:

i. The body of co-operative law within the various jurisdictions in Nigeria 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; and 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 as remedial.

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Chapter Five

Conclusion

5.1 Summary of Findings

In this chapter, findings of the thesis are summarised, conclusion drawn and recommendations proffered and anchored primarily on the idea of a Universal Charter for Cooperatives.

The findings of this study are summarized as follows:

From the lenses of public administration, law, and historical analysis, the reasons for Nigeria's underdevelopment are sub-optimal utilization of resources, in particular the incapacity to harness the potentials of Nigerians in a bottom-up solidarity model. This problem has its roots in the political economy of cooperatives. This identified challenge takes its toll on the implementation of sustainable development agendas in Nigeria.

The further this problem endures, more elusive is effective public administration, in Nigeria. Thus, an imperative to draw an intersection of cooperatives and cooperative law towards an improved Nigerian public administration, consequently a profound implementation of sustainability agendas.

Aside drawing an effective intersection between co-operatives, their governing laws, and public administration for sustainable development, appropriate measures are required to remedy the Nigerian public administration and administrative law. This is preferable in the form of standard philosophy for Nigerian cooperatives that is modelled to serve as a pathway towards reviews of relevant policies and legal frameworks.

Furthermore, a standard philosophy for Nigerian cooperatives may be supported with a top tier international legal policy instrument such as a universal charter for cooperatives. This initiative will serve as a template for an up-scaled Nigerian cooperative laws with the possibility to support the development of Nigerian cooperative movement and the implementation of sustainable development in the country.

5.2 Conclusion

The cooperatives in Nigeria are a ready mechanism for sustainable development, but have to be repositioned for more quantitative and qualitative impacts. There is the imperative to equipped towards horizontal and vertical upscalling, which in-turn would support the creation and sustainability of viable symbiotic relationships first within Nigeria and then beyond. Within such framework lies the positioning of the cooperative movement as not only viable component of the Nigerian public administration, but efficient mechanism for the implementation of sustainable development. To achieve the foregoing requires a lot of structural adjustments, some of the salient requirements are as follows:

(a) developing a standard philosophy for Nigerian cooperatives;

(b) Review of administrative policies on cooperatives; and

(c) Review of cooperative law and practice which could be draw from improved international legal policy on cooperatives.

This study is not a conclusive study on the subject matter of cooperatives within the space of public administration in Nigeria. Rather, it has at best contributed towards

resolving challenges created by scanty literature on the subject matter. Some of the unique features of this study are the attempts to develop a standard philosophy for Nigerian cooperatives, a proposal for a universal charter for cooperatives, and review of Nigerian cooperative legislation, particularly the power of the Director of cooperative. Rethinking the duties and powers of the Director in accordance to Cooperative Ethics goes to the root of all the above as it is the primary reason for the inchoate state of cooperatives and their governing law in the country. In theoretical and practical terms, the Director of cooperatives heavily infringes on the autonomous of Nigerian co-operatives. The situation in-turn hinders their development. It is an imperative for co-operatives to be autonomous if they must grow and develop. With autonomy, cooperatives can make their decisions and to pursue action programmes geared and determined towards the needs of their members and the community.

The study further conceptualizes the imperative of a common front to open the supposedly closed Nigerian society. The study situates Nigeria as an enclave of class struggle where the priviledged enjoy the country as it is run in its closed state, leaving the under -priviledged to grapple with the burden of the resultant underdevelopment which is synonymous with poverty, disempowerment, disorientation, and solitary pursuits. To frontally address the adumbrated problem, the work argues that the underprivileged class In Nigeria should imbibe the philosophy of Cooperativism, upgrading and using cooperatives for socio-economic survival and growth, to ultimate ensure sustainable development. To reiterate, the problem of development besetting Nigeria could be frontally addressed through a blend of Cooperativism and Popperism. It is the blending task that the present work has attempted to achieve. The development of law in Nigeria 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 many countries around the world.

5.3 Recommendations

The findings of this study produced some policy recommendations that can help enhance excellent cooperative policy proposals and execution which in-turn could support the Nigerian public administration for improved implementation of sustainable development agendas.

These recommendations are in accordance with the earlier identified objectives of this study. These recommendations are herein enunciated as follows:

Objective 1: Identify through historical analysis, some of the reasons for Nigeria's underdevelopment from the lenses of public administration with emphasis on cooperatives;

i. Nigerian cooperatives, their administrative, and governing laws are a relic of class struggle between the British colonial administration, and indigenous Nigerians, particularly, Nigerian farmers and labour force; ii. The Nigerian cooperative movement have made significant contributions to the socioeconomic development of the country; iii. More pronounced of these contributions were during the colonial era, and the immediate post-colonial era; iv. Cooperative were integral to the development policies of the defunct western region of

Nigeria;

v. The above momentum was gradually lost to factors such as military intervention in Nigerian politics, corruption, and the agitation for democratic rule. These factors took their most pronounced toll between the mid-1980s and mid-1990s.

Objective 2: Identify the challenges with the implementation of sustainable development agendas in Nigeria from the lenses of public administration with emphasis on cooperatives;

i. There are visible disconnection between government and citizens in policy formulation and execution on sustainable development agenda in Nigeria. This borne evidence of lingering class struggles and class domination; ii. That solitary attempts by Nigerian citizens are incapable of address the sub-optimal utilization of resources and underdevelopment that are outputs of the above; iii. That collective adventures as represented in the cooperatives is the best model towards addressing the issues; iv. That the cooperative movement are a hybrid of public and private entities, hence suitable as tools for public administration and at the same time socio-economic enterprises;

v. The cooperative model is has never been appropriately harnessed in Nigeria due to political and socio-economic dynamics

Objective 3: Proffer support mechanism for the Nigerian public administration from an improved intersection of cooperatives and cooperative law;

i. The review of Nigerian Cooperative Societies Act Cap N98; ii. The implementation of the provisions of the Co-operatives Development Act; iii. The inter-agency collaborations among statutory bodies. As much as thre is an urgent need to amend the NCSA Cap. N98 on the provisions of the duties and powers of the Director in tune with dynamics of globalization, there is also an urgent need to amend and harmonize Nigerian laws that are allied to the NCS

Act. Some of these statutory provisions are; the Companies and Allied Matters Act, Securities and Exchange Commission Act, Banks and Other Financial Institutions Act etc. This possesses the capacities to broaden the horizon of cooperatives to properly encompass cooperation and solidarity economics;

iv. This study recommends uniformity in the proposed amendments to the duties and powers of the Director in federal and state legislation. This should take its root in the rules and regulations of ICA and ILO;

v. Improved participation in the activities of the ICA that involves significant undertaking with the Committee on Co-operatives Research (CCR) and the Co-operative Law Committee (CLC); vi. Adoption of the various ILO recommendations on the supervision and development of co-operatives; vii. Establishment of the Nigerian Society for Co-operatives Studies as a research arm of the Co-operative Federation of Nigeria.

Objective 4: Develop a standard philosophy for Nigerian cooperatives as a pathway to review Nigerian cooperative laws and repositioning the Nigerian cooperative movement;

i. The collation of ideas towards having a Nigerian philosophy for cooperatives; ii. The idea of a Nigerian philosophy for cooperatives is to have in place a standard thought towards harnessing cooperatives as a public administration tool for sustainable development; iii. This study experiments Popperism; iv. Emphasis were placed on the following ingredients;

(a) Englightened Humanism;

(b) Economics Liberalism – Collectivism;

(c) Politics of Liberalism-Collectivism;

(d) Legal Liberalism-Collectivism

Objective 5: Attempt to put in place a Universal Charter for Cooperatives as a template for an upscalled Nigerian cooperative laws and link same to the development of Nigerian cooperative movement and the implementation of sustainable development in Nigeria.

i. This study identifies the imperative to review current Nigerian cooperative law, and also have in place a cooperative practice procedure; ii. That for such reviewed cooperative law, and the cooperative practice procedure to enable co-operative development it would have to contain several elements, one of these element is the integration of cooperative law in the national constitution; iii. The Above Propelled the Study to Propose 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 (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 instrument that have come after the UDHR, and have been built around the substance and success of the UDHR.

List of International Human Rights Instruments (as provided by the Office of the Commissioner, United Nations Human Rights):

- 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
- 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 are contained in the following below:

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 with 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,	**Right to adequate housing** including land and resources

resilient and sustainable	[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 Nigeria and many countries of the global-south.

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.

5.4 Contribution to Knowledge

This research is an attempt to contribute to the development of sustainability through the intersection of public administration, administrative law, co-operatives and their governing laws. It seeks to promote inclusive development and democratisation through the promotion of the interest of the commons on the basis of their solidarity. It seeks to earn its novelty by treating public administration from the purview of the cooperative movement, and administrative law; the enabling legal framework of public administration from the purview of cooperative law.

Furthermore, this research made attempts to treat public administration from the lenses of both the department of public administration; cooperatives, and the faculty of law; cooperative law. It identifies the deficiencies within the Nigerian cooperative law, particularly its incapacity to support cooperative development in the country, hence its sub-optimal utilisation as a tool for public administration.

This research proffers solutions to the this through the promotion of cooperative philosophy (cooperativism) through Popperian philosophical thoughts, more imperatives to have in place a top tier international legal policy instrument in the form of a universal charter for cooperatives. The idea of a universal charter for cooperatives as a support instrument that provides remedial to cooperatives and their governing laws is premised on the success of the universal charter on human and peoples right, 1948, which as since serve and continues to serve as a template upon which the constitutional

legal framework and development in Nigeria and many countries of the global-south is built.

5.5 Suggestions for Further Research

The following are the identified and proposed areas for further research:

(a) Fortification of current Nigerian cooperative philosophy with other established philosophies such as Marxism, capitalism, Ubuntu, Ujamaa, and Harambee;
(b) Fortification of current Nigerian cooperative philosophy with the works of erudite scholars such as Elinor Oostrom, and Guy Standing;
(c) Supplement of cooperatives and their governing laws with a top-tier international legal framework preferably in the form of a universal charter for cooperatives;
(d) Promotion of multidisciplinary scholarship on cooperatives and their governing laws as mechanism for the implementation of sustainable development programmes.

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Bio - data

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iv. **Nationality:** Nigerian

B. Institutions Attended with Qualification Obtained and Dates

i. **LLM** (Master of Law) Lead City University, Ibadan, 2023.

ii. **B.L** (Barrister-at-Law) Nigerian Law School, 2020.

iii. **M. Sc** (Master of Public Administration), Lead City University, Ibadan, Nigeria, 2017.

iv. **B. Sc** (Bachelor of Public Administration), Lead City University, Ibadan, Nigeria, 2014.

v. **LLB** (Bachelor of Law), Lead City University, Ibadan, Nigeria, 2010.

C. Working Experience with Dates i. Lead City University, Ibadan

Lecturer One

Faculty of Law,

Lead City University, Ibadan

October 2020 till date.

ii. Adjunct Lecturer:

Department of Politics & International Relations,

Lead City University, Ibadan

Courses taught/co-taught so far:

- Administrative Law
- Law of Banking and Insurance
- Oil & Gas Law
- Law of Commercial Transactions
- Nigerian Legal System
- Foundation of Political Economy
- Manpower Planning and Utilization

- Technology and Ecology in World Politics
- Theories of Development and Underdevelopment

iii. Trainer:

Co-operative Law Sessions: Global Youth Forum 2020 (GYF20), Organized by the International Co-operative Alliance.

Kuching, Malaysia, 3rd to 7th February, 2020.

iv. Assistant Lecturer:

Department of Politics & International Relations,
Lead City University, Ibadan.

September 2017 till September 2020.

v. Graduate Assistant:

Department of Politics & International Relations,
Lead City University, Ibadan.

October 2016 to October 2017.

vi. Assistant Librarian (Trainee):

University Library

Lead City University, Ibadan, Nigeria.

March 2012 to September 2016.

vii. Assistant Lecturer (National Youth Service Corp):

School of Business and Public Administration,

Taraba State Polytechnic, Wukari, Taraba State, Nigeria.

November 2010 to October 2011

D. Awards and Fellowships

i. Full travel grant awarded by the science council of japan to attend the World Biodiversity Forum 16th to 20th June, 2024 in, Davos, Switzerland.

ii. Full travel grant to attend the Sustainable Research and Innovation Congress 2024, 10th to 14th June, 2024 in Helsinki, Finland.

iii. Full travel grant awarded by future earth to attend the law research stream of the 35th annual pre-conference and conference of the European Association for Evolutionary Political Economy (EAEPE), 12th to 15th September, 2023. Leeds University, England.

iv. Full travel grant awarded by Volkswagen Stiftung foundation to attend Max Planck conference in June 20th to 23rd, 2023 at Hannover, Germany.

v. Full travel grant to attend Future Earth / Seedbeds of Transformation-Sustainable Development Goals conference, Port Elizabeth, South Africa, May 9th to 11th, 2018.

E. Membership of Academic and Professional Bodies

i. **Member (representatives for the early career researchers):** *Future Earth Assembly*.

ii. **Member:** *Future Earth,* Finance & Economics Knowledge Action Network

iii. **Member:** Nigerian Bar Association.

iv. **Member: (on the recommendation of the Co-operative Federation of Nigeria):** Law Committee; International Co-operative Alliance - Africa Region.

v. **Member:** Young Scholars Initiative (YSI); A Subsidiary of the Institute for New Economic Thinking (INET). **Coordinator: (a)** Co-operative Working Group. **Project organizer: (a)** Financial Stability Working Group. **(b)** Finance, Law & Economics Working Group

vi. **Chairman, Executive Committee:** Future Earth, Early Career Researchers Network of Networks

vii. **Member:** Roaster of Researchers; United States Overseas Cooperative Development Council (OCDC) / International Cooperative Research Group.

F. Technical Teams / Reports

i. **Individual National Consultant:** Mapping Study of the Social and Solidarity Economy in Nigeria

Client: International Labour Organisation

ii. **National Expert (Nigeria):** Cooperatives for Sustainable transformation in Africa (CoopStar) Project

Clients: International Co-operative Alliance, and University of Leuven, Belgium.

iii. **Facilitator:** Transformation Lab Project.

Client: University Of Copenhagen, Sustainability Science Centre.

iv. **Guest Lecturer (online):** University of Graz, Austria.

Course: Strategic Sustainability Management

Subject of Lecture: Legal Framework for the Oil and Gas Industry in Nigeria.

v. **Member of the Expert Writing Team:** A Letter to Fellow Citizens of the Earth.

Client: International Science Council

vi. **Member of the Review Committee of Cooperative Decree of United Arab Emirate Client:** International Cooperative Alliance, Global, Brussels, Belgium.

vii. **Member: Review committee; Nigerian Co-operative Laws.**

Client: Co-operative Federation of Nigeria.

viii. **Review of the Co-operative Societies Bill, Lagos State.** **Client:** Co-operative Federation of Nigeria.

ix. **Legal Experts on the Suitability of the MidHub National Co-operative Model in Nigeria.**

Client: Rufarn LLC (Russian Federation).

x. **Country (Nigeria) Expert / Contributor (Co-operatives and Co-operative Law):** World Bank Group, Enabling the Business of Agriculture, 2019 Report.

xi. **Member:** Law Review Committee of the Cooperative Federation of Nigeria

xii. **Member:** *Organizing Team,* International Cooperative Alliance, Africa, Region. 9th Technical Committee of the Africa Ministerial Cooperative Conference (TCAMCCO) 23rd to 26th May, 2022.

xiii. **Member:** *Scientific Committee*, International Cooperative Alliance, Africa region. 9th Technical Committee of the Africa Ministerial Cooperative Conference (TCAMCCO) 23rd to 26th May, 2022.

G. Conferences and Workshops Attended with Dates

i. World Biodiversity Forum 16th to 20th June, 2024 in, Davos, Switzerland. **Paper presented:** Social Solidarity Economy as African Agents for Biodiversity Conservation

ii. Sustainable Research and Innovation Congress 2024, 10th to 14th June, 2024 in Helsinki, Finland. **Members, Workshop organising team/speaker**: Early Career Researchers Network of Networks / International Science Council) the Future of Transdisciplinary Sustainability Science.

Participant, Future Earth annual assembly meeting. **Lightening talk:** Imperative of a Universal Charter for the Commons. Advancing Sustainable Development beyond the SDGs, and Bridging Science and Policy for Sustainable Development

iii. World Climate Research Programme Open Science Conference (WCRP OSC). 23 to 27th October, 2023, International Convention Centre, Kigali, Rwanda.

Workshop Convenor: Multidisciplinary Approaches to Climate Change Mitigation

Posters presented: (a) Nigerian Climate Change Act 2021: Critique from a Cooperativist Perspective;

(b) The Intersection of Laws, Public Administration, and Co-operatives in Climate Change Mitigation.

iv. 35th Annual conference, European Association for Evolutionary Political Economy (EAEPE). 13th to 15th September, 2023. Leeds University, Leeds,

England. Paper presented (at the Law Research Stream): Loan Management in Africa: An Appraisal of Cooperativism and Law as Remedial.

v. International Co-operative Alliance Committee on Co-operative Research Global and European Co-operative Research Conference. Hosted by Centre of Expertise for Co-operative Entrepreneurship, Leuven, Belgium, 10th to 14th, July, 2023. Paper presented: Cooperative Law and Procedure: An Appraisal of The Nigerian Educational System.

vi. Future Earth, Sustainability Research & Innovation (SRI 2022) Congress, 26th to 30th June, 2023, Panama City, Panama. Paper presented: A Letter to Fellow Citizen of Earth: A Cooperativist Appraisal.

vii. Annual Assembly Meeting of Future Earth, 29th to 20th June, 2023, Panama City, Panama. Poster presentation: Climate Crisis and Lessons from Covid-19: Law, Co-operatives and Public Administration.

viii. Herrenhausen Conference: Climate Related Systemic Risks: Lessons Learned From Covid-19, Organized By The Max Planck Institute, and Sponsored By The Volkwagen Foundation. Hannover, Germany, 20th to 23rd of June, 2023. Paper presented: Climate Crisis: An Appraisal of The Intersection of Law, Public Administration and Co-operatives.

ix. Annual Assembly Meeting of Future Earth, Sobronne University, Paris, France, 21st to 23rd September, 2023. Poster presentation: The Intersection of Law, Cooperatives and Public Administration for Sustainability.

x. Capacity Building Workshop for Early Career Researchers. Organized by: Early Career Researchers Network of Networks and International Consortium of Research Staff Association, Sarajevo, Bosnia Herzegovina, 19th to 20th September, 2022. Paper presented: Engaging Sustainable Information Management Strategies for Cooperative Natural Resource Use. A Human Right Approach.

xi. Annual Conference of the African Network of Constitutional Lawyers, University of Namibia at Windhoek, 21st to 24th August, 2022. Paper presented: Constitutionalism: An Imperative to the Deficient Nigerian Co-operative Law. Plenary discussant: The Intersection of Constitutionalism, Neocolonialism, the Global-south and Sustainable Development.

xii. Future Earth, Sustainability Research & Innovation (SRI 2022) Congress June 20 to 24, Pretoria, South Africa. Paper presented: Holistic Intersection of Law, Public Administration and Cooperatives: An Imperative for Sustainability in Africa.

xiii. Annual Conference of the Faculty of Law, Lead City University, 14th to 16th of June, 2022. Paper presented: Dispute Resolution Involving Nigerian Cooperatives: An Appraisal of the Introduction of specialized Courts and Procedure

xiv. 9th Technical Committee of the Africa Ministerial Cooperative Conference (TCAMCCO). 23rd to 26th May, 2022. Paper presented: Upscaling The Legal And Administrative Frameworks On African Co-Operatives: An Enabler For Cooperation Among Cooperatives

xv. The 33rd World Congress of the International Co-operative Alliance, 1st to 3rd December, 2021.

xvi. The International Co-operative Research Conference & the 3rd International Forum on Co-operative Law 28th to 30th November, 2021. Paper presented: Cooperatives, Their Political Economy, and The Proposed Harmonization of Laws: A Case for Africa.

xvii. United Nations Conference on Trade and Development - Young Scholars Initiative. UNCTAD - YSI Summer School 2021 on Globalization and Development Strategies. August 2 – 7, 2021.

xviii. Global Youth Forum 2020 (GYF20) International Co-operative Alliance, Kuching, Malaysia, 3rd -7th February, 2020. Paper presented: Introduction to Co-operative Law

xix. Global Conference of the International Co-operative Alliance, Co-operatives for Development, Kigali, Rwanda, 14th – 17th of October, 2019. Workshop Organizer: Young Scholars Initiative / Committee on Cooperative Research

(CCR) of ICA Young Scholars Workshop on Co-operatives for Sustainable Development, 14th October, 2019.

xx. Karl Popper for Africa International Conference. Lagos State University, Ojo, Lagos State, Nigeria March 28th – 31st, 2019. Paper presented: Cooperativism as a Socio-economic Development Mechanism in Nigeria: Exploring Popperian Philosophical Thinking.

xxi. The Third Annual Conference of the Cooperative University of Kenya, Nairobi, Kenya / Young Scholars Initiative Workshop on Youth Cooperatives. March 25th – 26th, 2019. Paper presented: The Acculturation of Energy Cooperatives in Nigeria, Power Sector Reforms and Sustainable Development. Chaired Session 12 of the Workshop: Youths in Co-operatives for Sustainable Development.

xxii. African Convening; Young Scholars Initiative, August 16th to 18th 2018, Harare, Zimbabwe. Paper presented: African Development and Agenda 2063; Exploring Ethical Socialism within the Framework of Economic Globalization. Chaired Roundtable 5: Co-operative Institutions and Housing Co-operatives in Africa.

xxiii. Future Earth / Seedbeds of Transformation-Sustainable Development Goals conference, Port Elizabeth, South Africa, May 9th to 11th, 2018. Paper presented: The Poverty Problem in The Modern African State: Exploring Innovative Cooperativism.

xxiv. Toyin Falola at 65 conference, University of Ibadan, Ibadan, Nigeria 27 to 29th January, 2018. Paper presented: Co-operative Societies and the Sustainable Development Goals: A Viable Model in Human Development of Nigeria.

H. List of Publications

i. Akanji, Ajibola .A. ‘‘Co-operatives as Supplements to Companisation of the Nigerian Manufacturing Industry. African Journal of Co-operative Development and Technology (AJCDT) June Issue 1, Vol. 7, 2023.

ii. Akanji, Ajibola. A. ‘‘Co-operatives, Their Political Economy, and the Proposed Harmonization of Laws: A Case for Africa. Fifth Issue, International Journal on Cooperative Law. IUS Cooperativum, 2022.

iii. Akanji, Ajibola. A. “The Evolution of Co-operative Law: An Appraisal of the Nigerian Situation”. Perspectives on Cooperative Law, Festschrift in Honour of Professor Hagen Henry. Published by Springer. Editors: Willy Tadjudje and Ifinegeia Douvista. 2022.

iv. Akanji, Ajibola. A. “Legislation and the Taxation of Registered Nigerian Co-operative Societies: Drawing an Intersection for Sustainable Development”. Special Issue on Taxation of Co-operatives. Fourth Issue, International Journal on Co-operative Law. IUS Cooperativum. 2022.

v. Akanji, Ajibola. A ‘‘Division and Amalgamation under the Nigerian Co-operative Societies Act: An Appraisal’’ Korean Cooperative Studies Vol. 40, No.1 March, 2022.

vi. Akanji, Ajibola. A. “The Role of Social Financing in Sustainable Development: The Case of Nigerian Co-operatives” Chapter contribution: Innovation in Social Finance. Publisher: Springer Nature Switzerland AG, 2021.

vii. Akanji, Ajibola. A. “Cooperative Societies and the Sustainable Development Goals (SDGs): A Viable Model in the Human Development of Nigeria”. Chapter contribution: The Political Economy of Colonialism and Nation Building in Nigeria, Toyin Falola (ed), 2021.

viii. Akanji, Ajibola. A. ‘‘The Poverty Challenge in Africa: Innovative Cooperativism through Political Incentives. A Case Study of Nigeria’’. Journal Cooperativismoy Desarollo, Universidad Cooperative de Colombia, 2020.

ix. Akanji, Ajibola. A. ‘‘Sub-optimal Utilization of Nigerian Graduates: A Role for Cooperativism in the Nigerian Higher Education’’. Chapter contribution: Social Solidarity Economics in Higher Education; An Opportunity for Innovation. Publisher; Ediciones Universidad Cooperative Colombia, 2020.

x. Akanji, Ajibola. A. ‘‘Globalization and Sustainable Development in Nigeria: Integrating Cooperativism into University–Society Partnerships’’. Chapter

contribution: University Partnership for Sustainable Development: Innovations in Higher Education Teaching and Learning; Emerald Group Publishing; USA, 2019.

xi. Akanji, Ajibola. A. and Mutua Lydia ‘‘The Poverty Challenge in the Modern African State: Exploring the Institutionalization of Innovative Cooperativism’’ Conference Proceedings Third Annual Conference of the Co-operative University of Kenya, 2019.

xii. Akanji, Ajibola. A. ‘‘Cooperatives: An Imperative for Holistic Environmental Management’’. Encyclopedia of World’s Biomes. Publisher; Elsevier. 2019.

xiii. Akanji, Ajibola A. ‘‘Globalisation: Exploring Cooperativism to Remedy Discontents’’. African Journal of International Affairs and Development, Ibadan, Nigeria. 2019.

I. Referees

i. **Prof. Kabiru Adeyemo**

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Vice President: International Co-operative Alliance, global

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Signature **Date**

The University Compliance Certification

This is to certify that this thesis by Ajibola Anthony AKANJI with Matric Number LCU/PG/000343 in the Department of Politics and International Relations, Faculty of Management and Social Sciences, Lead City University, Ibadan is in full compliance with the approved university format and style.

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Signature **Date**