



O.V.C. OKENE

The Law of Strikes

Status and Scope of the Right to Strike

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Dedication

“Above all, to Him who leads, guides, counsels; He who gives us victory through His only son, Jesus Christ; in whose hands are my undertakings (Hebrews 10: 32-39), I owe what I can never repay.”

Preface

The writing of this book was undertaken during my study leave at the University of Essex, England / UK. I am greatly indebted to my supervisors, **Professor Sheldon Leader**, Professor of Law at the University of Essex, and **Dr. Bob Watt**, Head of the School of Law at the University of Essex, for their untiring patience and great understanding during the preparation of this book. Their pungent criticisms, stimulating suggestions and advice on the successive drafts of the thesis helped to shape the direction of this study. I also thank the authorities of the Rivers State University of Science and Technology for the study leave. I am greatly indebted to them.

The central aim of this study is to investigate the extent to which Nigerian law protects the right to strike. The idea is to examine whether the right is adequately protected under Nigerian law. The book draws on the international labour standards established by the International Labour Organisation (ILO) and the African Charter on Human and Peoples' Rights (ACHPR) in order to assess the protection afforded to the right to strike in Nigeria. The overall argument is that Nigerian law is deficient in the protection of the right to strike and the aim of the book is to identify those areas in need of reform in order to protect the legitimate aspirations of Nigerian workers. The book provides an authoritative and soberly written account of the manner in which the Nigerian government has broken its obligations under Conventions of the ILO and the ACHPR. It is, without exaggeration, a disgraceful story which has brought discredit to Nigeria.

I have been fortunate to have the support and encouragement from members of my family. I am indebted to my parents, Elder Christopher Nwenenda and Madam Felicia Nwanyibuekwu Okene for their encouragement, support and prayers. I wholeheartedly thank my dear and loving family (my dear wife, Nina; sons, Derrick, Oliver, Jeffrey and Victor; and daughter, Wendy) for their patience, sacrifice, encouragement and inspiration. My thanks also go to my brothers and sisters, my cousins, in-laws and friends too numerous to mention for always keeping in touch and asking about the progress of my studies. I would also like to thank Chris White of the Flinders University School of Law, Adelaide, Australia, for his willingness to discuss with me issues on the right to strike in Australia.

Finally, I would like to thank friends who helped me and my family to settle in the UK. My special thanks are due to Rick and Sue Shawcross who gave us a place to rent. I also thank the Ramplings, Phil Bingham, Janice, Andy, Undiga, Julius, Esther, Rosemary, the Reverend Andrew Bell and members of the Wivenhoe Methodist Church who helped us to feel at home in the UK. May God bless you all.

List of Abbreviations

ABAJ	<i>American Bar Association Journal</i>
ACHPR	African Charter on Human and Peoples' Rights
Ahmadu Bello Univ L J	<i>Ahmadu Bello University Law Journal</i>
AIR	All India Reports
AJLL	<i>Australian Journal of Labour Law</i>
ALL NLR	All Nigeria Law Reports
ALR	African Law Reports
Australian BR	<i>Australian Bar Review</i>
BBC	British Broadcasting Corporation
BCLR	<i>Bulletin of Comparative Labour Relations</i>
Berkeley JELL	<i>Berkeley Journal of Employment and Labor Law</i>
BJIR	<i>British Journal of Industrial Relations</i>
Cal LJ	<i>Calabar Law Journal</i>
Cal Western LR	<i>California Western Law Review</i>
CCFSRW	Community Charter of the Fundamental Social Rights of Workers
CDHR	Committee for the Defence of Human Rights
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CFA	Committee on Freedom of Association
Ch	Chancery Division
CIE	Committee of Independent Experts
CILQ	<i>Central India Law Quarterly</i>
CJN	Chief Justice of Nigeria
CLR	Commonwealth Law Reports
CMLRev	<i>Common Market Law Review</i>
Comp Lab L & Pol'y J	<i>Comparative Labour Law and Policy Journal</i>
Cornell LR	<i>Cornell Law Review</i>
Current LP	<i>Current Legal Problems</i>
DAL L J	<i>Dalhousie Law Journal</i>
Duquesne LR	<i>Duquesne Law Review</i>
ECHR	European Convention for the Protection of Human Rights
ECJ	European Court of Justice
ECOSOC	United Nations Economic and Social Council
ECSLR	East Central State Law Reports
EPZ	Export Processing Zone
ESC	European Social Charter
ESS	Elongated Salary Structure
EU	European Union
EUCFR	European Union Charter of Fundamental Rights
FNR	Federation of Nigeria Reports
Fordham LR	<i>Fordham Law Review</i>
FSC	Federal Supreme Court Cases (Nigeria)

GCHQ	Government Communications Headquarters (UK)
GRBPL	<i>Gravitas Review of Business and Property Law</i>
Harv L Rev	<i>Harvard Law Review</i>
HLC	House of Lords Cases
IAP	Industrial Arbitration Panel
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICFTU	International Confederation of Free Trade Unions
ICJ	International Court of Justice
ICLQ	<i>International and Comparative Law Quarterly</i>
IELLIR	<i>International Encyclopaedia of Labour Law and Industrial Relations</i>
IJCLLIR	<i>International Journal of Comparative Labour Law and Industrial Relations</i>
IJIR	<i>Indian Journal of Industrial Relations</i>
ILC	International Labour Conference
ILJ	<i>Industrial Law Journal</i> (UK) and (South Africa)
ILO	International Labour Organization
ILRev	<i>International Labour Review</i>
IMF	International Monetary Fund
Ind R J	<i>Industrial Relations Journal</i>
Ind Rel LJ	<i>Industrial Relations Law Journal</i>
Int Law	<i>International Lawyer</i>
IRLR	Industrial Relations Law Reports
J South Pac Law	<i>Journal of South Pacific Law</i>
JAL	<i>Journal of African Law</i>
JBL	<i>Journal of Business Law</i>
JCA	Justice of the Court of Appeal
JCWLE	<i>Journal of Commonwealth Law and Legal Education</i>
JIC	Joint Industrial Council
JSC	Justice of the Supreme Court
KB	King's Bench Division
KCLJ	<i>King's College Law Journal</i>
LASU	Lagos State University
LEN	Laws of Eastern Nigeria
LFN	Laws of the Federation of Nigeria
LLJ	<i>Labor Law Journal</i>
LLR	Lagos Law Reports
LNN	Laws of Northern Nigeria
LQR	<i>Law Quarterly Review</i>
LWN	Laws of Western Nigeria
MD L Rev	<i>Maryland Law Review</i>
Mich LRev	<i>Michigan Law Review</i>
Michigan UJLR	<i>Michigan University Journal of Law Reform</i>
MILBQ	<i>Modus International Law and Business Quarterly</i>

MLR	<i>Modern Law Review</i>
MPJFIL	<i>Modern Practice Journal of Finance and Investment</i>
Law	
NALT	Nigerian Association of Law Teachers
NBLJ	<i>Nigerian Business Law & Practice Journal</i>
Netherlands ILR	<i>Netherlands International Law Review</i>
New ZULR	<i>New Zealand Universities Law Review</i>
NIALS	Nigerian Institute of Advanced Legal Studies
NIC	National Industrial Court
Nig BJ	<i>Nigerian Bar Journal</i>
Nig J Contemp Law	<i>Nigerian Journal of Contemporary Law</i>
Nig JR	<i>Nigerian Juridical Review</i>
NJPCL	<i>Nigerian Journal of Private and Commercial Law</i>
NLC	Nigeria Labour Congress
NLJ	<i>Nigerian Law Journal</i>
NLPJ	<i>Nigerian Law and Practice Journal</i>
NLR	Nigerian Law Reports
NMLR	Nigerian Monthly Law Reports
NR NLR	Northern Region of Nigeria Law Reports
NSCC	Nigerian Supreme Court Cases
NUPENG	National Union of Petroleum and Natural Gas Workers
NWLR	Nigerian Weekly Law Reports
NZJIR	<i>New Zealand Journal of Industrial Relations</i>
OATUU	Organisation of African Trade Union Unity
OAU	Organization of African Unity
OECD	Organisation of Economic Cooperation/Development
OPEC	Organisation of the Petroleum Exporting Countries
OUP	Oxford University Press
PENGASSAN	Petroleum and Natural Gas Senior Staff Association of Nigeria
QBD	Queen's Bench Division
Queen's LJ	<i>Queen's Law Journal</i>
RADIC	<i>African Journal of International and Comparative Law</i>
RCEEL	<i>Review of Central and East European Law</i>
San Diego LR	<i>University of San Diego Law Review</i>
Santa Clara Law	<i>Santa Clara Lawyer</i>
SAP	Structural Adjustment Programme
SC	Supreme Court of Nigeria
SCNLR	Supreme Court of Nigeria Law Reports
SCR	Supreme Court Reports
TasULRev	Tasmanian University Law Review
Tex ILJ	<i>Texas International Law Journal</i>
TUC	Trade Union Congress
U Pa L Rev	<i>University of Pennsylvania Law Review</i>
UCLA LR	<i>University of California Los Angeles Law Review</i>

UDHR	Universal Declaration of Human Rights
UJLJ	<i>University of Jos Law Journal</i>
UK	United Kingdom
UN	United Nations
UTOL LR	<i>University of Toledo Law Review</i>
VUWLR	<i>Victoria University of Wellington Law Review</i>
WACA	West African Court of Appeal
WALR	West African Law Reports
WFTU	World Federation of Trade Unions
WLR	Weekly Law Reports
WRN	Weekly Reports of Nigeria
Yale LJ	<i>Yale Law Journal</i>

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