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Nuevas dinámicas mundiales  
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la economía pública, social  
y cooperativa

# Upscaling of Co-operative Laws: An Imperative for Holistic Environmental Management

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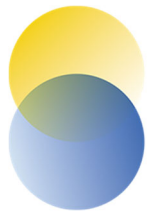


## Abstract

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This paper explores law to supplement “*Co-operatives: An Imperative for Holistic Environmental Management*” where this author reviewed environmental policies with cooperativism and Popperism. These philosophies were employed to advance holistic environmental management. Feedbacks show a high degree of theoretical correctness with lower degree of practicability. Thus, a gap is identified and brought to the fore for appraisal. The lack of practicability in the face of the bourgeois structured exploration of the environment is due largely to deficiencies of supportive legal frameworks. Thus, holistic environmental management is examined from the lenses of the co-operatives and upscaled legal frameworks. Therefore, with emphasis on international laws, national and sub-national legislation, co-operatives are evaluated on the measures of the realities of contemporary environmental challenges. The examination of the legal frameworks produced scathing revelations which necessitates the proposal for a higher tiered legal framework in the form of a Universal Charter for Co-operatives as remedial.

**Keywords:** Co-operatives, Co-operative laws, Environmental management, Legal frameworks, Sustainable development.



## Expanded abstract

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### 1. Introduction

Cooperatives are business organization that are democratically owned and operated by members based on unique ethics<sup>1</sup>. There are diverse models of cooperatives aimed for different ends<sup>2</sup>. Cooperatives have the uniqueness of reconciling the economic and social needs of members, these identified traits makes them different from joint stock companies<sup>3</sup>. Importantly, cooperatives are integral mechanism for bottom-up socioeconomic mobility, hence very relevant at bridging the inequality gap<sup>4</sup>. In the same vain they require laws that are different from those that govern joint stock companies. With regards to the specificities of the cooperative movements, the governing laws for cooperatives must be *sui generis*<sup>5</sup>. Ordinarily referred to as cooperative laws, these laws are the foundational policies and legal frameworks upon which the administration and management of cooperatives across all tiers are expected to be built. Cooperative laws cut through, and are relevant to sustainable development at the international, regional and sub-regional, national and sub-national levels. These assertion is identical to goal number sixteen (16) of the Sustainable Development Goals

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- 1 The International Cooperative Alliance (ICA) (2012) in its Statement on the Cooperative Identity defines cooperatives as an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically-controlled enterprise.
  - 2 Cooperatives have been explored for diverse purposes from time immemorial, this cuts across virtually all spheres of human endeavours. In more recent times, cooperatives have been utilised for agriculture, businesses, banking, security, electricity etc. in each case the driving factor is the need of the group or society.
  - 3 Hagen Henry (2012) guidelines for cooperative legislation (third revised edition). International Labour Organisation.
  - 4 Ajibola Anthony Akanji (2020) Cooperative Societies and the Sustainable Development Goals (SDGs): A Viable Model for Human Development in Nigeria. The Political Economy of Colonialism and Nation – Building in Nigeria. (eds. Samuel Ojo Oloruntoba) Palgrave Macmillian.
  - 5 A legal term that means in a class of its own. Of exceptional classification or quality.



(SDGs)<sup>6</sup>. The legal frameworks are synonymous with the level of effectiveness or otherwise of cooperatives as mechanism for the naturalization of sustainable development. The cooperative movement has been particularly instrumental to the economic agenda of several countries. A fact well proven in the states of the global-north where the cooperative movements are key players in relevant sectors of the economy. In these countries, they contribute immerses to sectors, such as agriculture, banking, insurance housing, telecommunication, health, manufacturing etc. These giant stride are largely ascribed to the availability of robust legal and administrative frameworks at the regional, sub-regional, national and sub national levels in the global-north. On the contrast, cooperatives in the global-south have not been particularly effective in their contribution to national development. Rather, they have to a large extent served as palliative agents in the drives towards the alleviation of poverty<sup>7</sup>. Rarely are the cooperatives core players in the telecommunication, large scale agriculture, banking and insurance, health, manufacturing and other critical sectors of the economies in the global-south. Given that public institutions are not very strong in many of the countries of the global-south, instead are powerful individuals and groups of persons<sup>8</sup>. Thus, the legal frameworks which are supposed to be institutionalized on the strength of the three arms of government to create among others a level playing ground are poorly instituted hence weak legal framework<sup>9</sup>. The weak legal frameworks are in turn

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- 6 The sixteenth goal of the sustainable development goal “peace, justice and strong institutions”: to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Significantly reduce all forms of violence and related death rates everywhere. The emphasis of the author is on the legal frameworks as a panacea for strong institutions.
  - 7 Save for some exceptional cases, cooperatives in the global-south are not as developed as their counterparts in the global-north. This is a product of the political economy in each region and its effect on the historical development on cooperatives in each country.
  - 8 Mc kenzei F. Johnson (2017) Strong Institutions in Weak States: Institution Building, National Resource Governance, and Conflict in Ghana and Sierra Leone. Dissertation submitted in partial fulfillment of the degree of Doctor of Philosophy in the University Program in Environmental Policy in Graduate School of Duke University.
  - 9 Many of the countries of the global-south come from a history of colonialisation. They have metamorphosed after independence from colonialisation to neo-colonialisation, and consequently become dependent states. One of the marked attributes of this states is that they the apparatus of the state are firmly held by individuals who execute public powers for personal and group benefits to the detriment of the general public.



deficient at supporting the development of the cooperatives. The municipal legal framework are ordinarily supposed to draw their strength from the international legal frameworks. However, in reality there are no relationships. Thus, instead of a symbiotic relationship between the municipal laws and the international frameworks on laws, there are solitary existence<sup>10</sup>. These weak legal frameworks are the foundation upon which cooperatives draw their existence, consequently the cooperatives are weak, hence sub-optimally utilized.

## 2. Conceptual Clarification

### a. Cooperatives

Cooperatives, are autonomous association of persons, united voluntarily to meet their common socioeconomic needs through jointly owned and democratically controlled enterprises<sup>11</sup>. The philosophy of cooperatives is closely linked to Ostrom's idea that common pool resources should be owned and administered by a collective institution<sup>12</sup>. Ostrom viewed the ownership and control of these resources by the commoners themselves as a better alternative to socialism, that is state control of resources and private enterprise system, both of which are hierarchical in nature and ultimately do not serve the interests of the commoners<sup>13</sup> (Ostrom, 1990). Cooperatives are formed by people who use their products, and services. Though cooperatives vary in types, membership and styles, they all operate for the core objectives of members and the society, at doing these, they have been known to exhibit high level of adaptivity<sup>14</sup>. Cooperative are guided by principles and values which are jointly known as cooperative ethics<sup>15</sup>.

The Principles are:

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10 International guiding principles as represented by legal policy instruments are required to be domesticated in each country. Thus, the municipal law in each country is expected to be a reflection of international standards. However, this is not always the case, particularly with the states of the global-south.

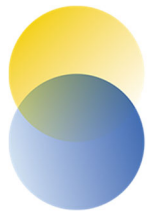
11 ICA (2012) supra.

12 Elinor Ostrom (1990) *Governing the Commons: The Evolution of Institutions for Collective Action*. New York; Cambridge University Press.

13 Elinor Ostrom (1990) supra

14 Johnston Birchall and Lou Hammond Ketilson (2009) *Resilience of the Cooperative Business Model in Times of crisis*. International Labour Organisation.

15 ICA (2012) supra



- (a) Voluntary and Open Membership
- (b) Democratic Member Control
- (c) Member Economic Participation
- (d) Autonomy and Independence
- (e) Education, Training and Information
- (f) Cooperation among Cooperatives
- (g) Concern for Community

The values are:

- (a) Self-help
- (b) Self-responsibility
- (c) Democracy
- (d) Equality
- (e) Equity and
- (f) Solidarity

Both principles and values contributed at making cooperatives and the more encompassing philosophy of cooperativism an increasing socio-economic, and political mechanism across the world, with profound applications into government and governance. In furtherance to these, cooperatives have proved equally relevant in the sphere of environmental management<sup>16</sup>. Accordingly, Wiskere JSC conceptualizes this phenomenon in the following words “within the domain of agriculture and rural development, self-organization and self-regulation emerges as a new model of rural governance in the form of cooperatives. Environmental co-operatives are a promising expression characterized by new institutional relations between state agencies and agricultural communities, new social networks of trust at local level and the re-embedding of farming in its local, economic, social and ecological context.”

Although some scholars treat cooperatives in environmental management from the view point of agriculture and rural-urban challenges, the importance of cooperatives to environmental management encompasses a much larger scope. Perhaps in response to the above<sup>17</sup>, Franchini et al. (2017), evaluates cooperatives in environmental management from the view point of challenges of the anthropogenic, having identified international environmental politics and global governance as important pillars in this regards, the authors went ahead to posit “it is necessary to radically modified the institutional structure of cooperation based

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16 Wiskere JSC (2003) Environmental Cooperatives As A New Mode of Rural Governance. Wageningen. Journal of Life Sciences. 51 (1-2): 9-25.

17 Wiskere JSC (2003) supra.



on international regimes; the transition from environmental politics to global governance.” Both instances affirm the importance of cooperatives in environmental management within the vertical and horizontal structures.

## b. Cooperative Laws

These are legal rules-laws, administrative acts, court decisions, jurisprudence, cooperative bye-laws/statutes or any other source of law which regulate the structure and/or the operations of cooperatives as enterprises in the economic sense and as institutions in the legal sense<sup>18</sup>. The above definition as given by the renowned scholar Professor Hagen Henry encapsulates a broad notion of what cooperative law entails. Cooperative law also entails the following: International Law, Labour Law, Trade Law, Taxation, Arbitration, Accounting and Prudential Standards, Solvency and bankruptcy rules etc. Chapter III of ILO Recommendation 127 captures this systemic view of cooperative law<sup>19</sup>.

Further, cooperative law embodies both substantive and procedural law, international; global, regional, sub-regional, national, sub-national legal policies or instruments. Thus, substantive laws such as law of contract, law of tort, law of banking, insurance law, agricultural law, land law are connected directly or indirectly with cooperative law. Furthermore, court procedures, civil litigation, criminal litigation, arbitration rules, appeal rules etc. are contained in the procedural cooperative rules. In the truest form, cooperative law is in a class of its own *sui generis*.

Cooperative laws operate in a multi-tier model, at the global level are:

- i. ICA Cooperative ethics<sup>20</sup>;
- ii. ILO Recommendation on the Promotion of Cooperatives<sup>21</sup>; and
- iii. United Nations Guidelines<sup>22</sup>.

At the regional levels are the following:

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18 Hagen Henry (2012) supra.

19 Hagen Henry (2012) supra.

20 ICA (2012) supra

21 Promotion of Cooperatives Recommendation, 2002(No. 193) <https://www.ilo.org>

22 Supportive Environment for Cooperatives: A Stakeholders Dialogue on Definition, Prerequisites and Process of Creation. Report of an Expert Meeting in Ulaanbatar, Mongolia, 15-17 May, 2002. United Nations.



- i. European Union Council Regulation on the statute for a European Cooperative Society (SCE)<sup>23</sup>;
- ii. Mercosur Common Cooperative Statute<sup>24</sup>;
- iii. the Ley Marco Para las Cooperativas de America Latina (Framework Law for Cooperatives in Latin America)<sup>25</sup>;
- iv. World council of Credit Unions (WOCCU)<sup>26</sup> and
- v. the OHADA Uniform Act on Cooperatives<sup>27</sup>.

Thereafter, the national legislation on cooperatives<sup>28</sup>, and Sub-national legislation<sup>29</sup>. Lastly are the bye-laws as put in place by each cooperative for its internal administration<sup>30</sup>.

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23 This is a statute promulgated by the European Union in 2003 as Regulation 1435/2003 for the establishment of a European Cooperative Society. It is a product of over thirty years of work. The Regulation came to force in 2006. It does not regulate national cooperatives, rather it establishes a new type of cross border cooperative, the SCE.

24 It became applicable to countries of the Mercosur. It came into force in 2009 as a Common Cooperative Statute (Mercosur/PM/SO/ANT.NORMA 01/2009). It bears similarities with the European Cooperative Society in the sense that it is meant to promote the establishment of cross border cooperatives.

25 It is the second edition of a model cooperative law for the Latin America region. The first began in 1998. Both were the initiatives of the International Cooperative Alliance (ICA) America region. It has no binding force over municipal cooperative legislation in the countries of the region.

26 It is a law that to a large extent translates two of the major schools of thought on saving and credit cooperatives. It shares some similarities with the Framework Law for Cooperatives in Latin America.

27 The OHADA Uniform Act is perhaps the only known regional cooperative legislation on cooperatives.

28 Otherwise referred to as municipal laws, each country is expected to have its own. For example in Nigeria, there is the Nigerian Cooperative Societies Act CAP N95. Laws Federation of Nigerian.

29 There are also cooperative legislation down the tier of the national cooperative legislation. This depends largely on the political arrangement in each country. For example, in Nigeria we have thirty-six sub-national structures (states). Each of the thirty-six states have its separate legislation on cooperatives, e.g the Cooperative Law of Oyo State CAP 35.

30 Bye laws are the rules imposed by members of each society for its internal administration and management. They are a product of the consensus of the members of the society.





### **c. Environmental Management**

The 21<sup>st</sup> century has been of massive industrialization, which entails enormous exploitation of the environment, from massive agriculture to feed the over 7 billion humans currently on earth, to natural resources exploitation with consequences such as gas flaring, and re-channeling of waterways, and further consequences such as water, land and air pollution. The trend has been phenomenal, rarely abated, instead ever increasing, all in response to socioeconomic and political dictates across the states of the world. The future generations are not left at risk, a fact that continues to bring the realities of unsustainability to the fore. There are divides to the above narratives, the environmental positivists on the one hand and the antagonists on the other. The contradiction of interests between the positivists and their antagonists further raises the imperatives to resolve the conflicts around the use and management of the environment in relations to sustainable development. While the environmental positivist, which the author identifies as the environmental bourgeois made up of the world bourgeois class across all the state of the world continue to canvass for further exploration of the earth, building their position on socioeconomic and political exigencies and dictates, the environmental proletariats on the other hand continue to antagonize on the same grounds of socioeconomic and political dictates, thou of a different variant, building their position on among others cultural and ecological protectionism and sustainable development. Unbiased observation tells both divides have logical claims to the paths they so vigorously pursue. However, there are needs to arrive at a course of action that guarantees immediate needs and protects the future in the most appropriate blend. Invariably, mankind is faced with the puzzle of model offers the most adaptive management to the environment.

### **d. Sustainable Development**

Often interchangeably used with the word sustainability, sustainable development is a multidisciplinary concept built on the believes that our societies must be managed in only manners which perfectly reconciles current needs with the projected needs of the future. Thus, activities particularly economic, agricultural, environmental and technological are discharged by the current generation without compromising the realities of future generations to meet their own needs. Many definitions have been ascribed to the concept of sustainable development. This multiplicity in classification has its roots in the multidisciplinary origin and advancement of the concept. These sources such as economics, sociology, political science, anthropology, geography, law etc were all contributory to what is often regarded as perhaps the most acceptable definition of sustainable development. This rather holistic definition forms part of the Brundtland Report



of 1987<sup>31</sup>. The concept centres on the interplay of humans, economics, ecology, politics, and technology which is built around the following principles:

- i. Conservation of ecosystem;
- ii. Conserving the biodiversity;
- iii. Establishing sustainable society;
- iv. Population Control;
- v. Promotion of Public awareness and human resource development.

Cooperatives, being mechanism for the fostering of democracy, and social inclusion, are appropriately positioned to play significant roles such as environmental management within the larger scope of sustainable development. The cooperative movement has discharged these roles through multilevel approaches. However, the movement has been unable to optimize its industry on account of the deficiencies identified in its legal frameworks. This gap constitutes the central theme of this paper.

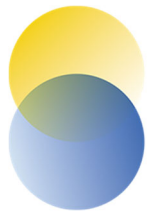
### **3. An explication of contemporary cooperative legal frameworks**

Often times, laws are not the product of the evolution of the codes or precepts that have guided conducts within groups and the larger society. More succinctly, laws are not always the product of culture, customs, conventions, principles, values etc. rather, laws are in some cases the imposition of the privileged as represented by the state and its apparatus on the less privileged as represented by the members of the lower cadre of the society. There are two distinctive variants of cooperative laws. The variant that has evolved from cultures, customs, practices, conventions, principles and values of the cooperative movement as developed and espoused by international organisations. This is the Cooperative laws that emanates from the documentation and application of the principles and value of cooperatives as developed and put in place by the ICA, ILO, and UN and domesticated within the peculiarities of each member state. The other variants as developed and put in place by the government and the privileged classes in each state as the enabling municipal laws. One of the first known discussions on cooperative law was at the third ICA congress in 1897 in Deft, at the Netherlands<sup>32</sup>. The subject of cooperative law was made a major theme at the 1897 congress, which elicited the passing of a resolution urging governments to refrain from obstructing the

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31 Our Common Future, better known as the Brundtland Report of 1987 is a publication of the United Nation through Oxford University press. It is a publication in recognition of Gro Harlem Brudtland, the then chair of the World Commission on Environment and Development. The publication has over the years earned a revered position as the grundnorm on sustainability.

32 Our History: International Cooperative Alliance (ICA). <https://www.ica.coop>



development of cooperative. Instead, governments were urged to promote the collation of knowledges relevant to the advancement of laws suitable and supportive of the cooperative movement. Thereafter in 1904, at the sixth ICA Congress in Budapest, Hungary, the very first ICA resolution on legislation was moved. The event coincided with the first ever ICA resolution on the then colonies and less developed countries<sup>33</sup>. The 24<sup>th</sup> ICA Congress in Hamburg, Germany that was held in 1969 was another milestone in the historical development of cooperative law. The creation of the Cooperative unit of the ILO in 1920 gave further impetus to the development of cooperative law<sup>34</sup>. Furthermore, in 1921 Albert Thomas the then Director-General of the ILO, presented a paper on the policy of international cooperativism in relations to Post World War I challenges and their projected remedies<sup>35</sup>. The aforementioned activities of the ICA and ILO resulted in among others, the gradual introduction of modern cooperatives in some African Countries. This was accompanied by the introduction of legal and administrative policies for cooperative management and administration by the colonial administrators. For example, in Nigeria, the first cooperative policy was put in place in 1934<sup>36</sup>. This was followed by the first Nigerian cooperative legislation in 1935.

#### **4. The Global Organizations and the Legal Frameworks of Cooperatives**

There are few known global organizations involved with the legal frameworks on cooperatives. These are the ICA, ILO, and the UN. The ICA was founded in 1895, it is the apex body that unites, represents and serves cooperatives worldwide, according to the ICA, there are over three million cooperatives and over a billion members worldwide<sup>37</sup>. This large and diverse community requires standardized and dynamic policy and legal frameworks for its smooth running. These

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33 Cooperation: International Cooperative Congresses. Monthly Labour Review, October, 1919. Vol. 9. No. 4. <https://www.jstor.org/stable/41827665>. Downloaded 19th April, 2022.

34 Our History: ICA supra.

35 Our History: ICA supra.

36 This was sequel to the initiative of the then British colonial administration in Nigeria that commissioned a renowned expert Mr C.F Strickland on cooperative to conduct a feasibility on the introduction of modern cooperative into the then colonial Nigeria. The report of the feasibility is contained in what came to be known as the Strickland Report of 1934. The Strickland Report of 1934 produced among others the first Nigerian legislation on cooperatives, the Cooperative Ordinance of 1935.

37 Our History: ICA supra.



frameworks are expected to run through the tiers of the cooperative movement. Thus, what is ordinarily expected from the ICA is to put in place an apex and binding framework on itself and the lower tiers of the cooperative structure. However, the ICA was established as a private (non-governmental) international organization<sup>38</sup>. Therefore, the ICA is devoid of the capacity to make binding policy frameworks on cooperatives and their representatives at the lower tiers of the cooperative structure. Notwithstanding this deficiency, the ICA has in place ethics for the cooperative movement. The ICA has been very proactive and dynamic in its handling of cooperative ethics. The principles and values have been reviewed as at when due since 1897. In recent times, the ICA developed and put in place the statement on cooperative identity, which till date serves as the current cooperative ethics. The above identified exploits of the ICA does not exhaust the discuss on the formulation of policy and legal frameworks from the ICA. However, the ILO a sister organization to the ICA have proved a worthy compatriot at complementing the ICA in the formulation of binding policy and legal frameworks for cooperatives<sup>39</sup>. The ILO is a public international organization; hence it possesses the capability to make binding policy and legal frameworks on independent states. Thus, the ILO provides remedial to the cooperative ethics by putting in place recommendations on the promotion of cooperatives since 1966, with the most recent in 2002<sup>40</sup>. The United Nations supports the works of the ICA, and ILO at creating and maintaining an enabling policy and legal framework for the cooperatives through the UN guidelines on the regulation of cooperatives<sup>41</sup>. At doing this, the UN acknowledges the ICA statement on the identity of the cooperatives as integral to developing and promoting cooperatives in all countries. These guild lines are aimed at creating highly supportive environment for cooperatives as a means to facilitate the actualisation of sustainable development. Despite the foregoing, the growth and development of cooperative law has been rather slow. This is particular with many countries of the global-south. The global-south, particularly Africa with emphasis on Nigeria shall now be the primary research locale of this paper.

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38 The Story of the International Labour Organisation's Promotion of Cooperatives Recommendation, 2002. International Labour Office. Geneva (No.193).

39 Ibid.

40 Ibid.

41 Supportive Environment for Cooperatives: A Stakeholder Dialogue on Definitions, Prerequisites and Process of Creation. Report of an Expert Group Meeting in Ulaanbatar, Mongolia, 15 – 17 May, 2002. United Nations.



#### 4. Regional and Sub-regional Frameworks

As pointed out earlier in this paper, there are three (3) known regional cooperative laws and only one known sub-regional cooperative law. The OHADA uniform Act for Cooperatives (Organization for the Harmonization in Africa of Business Law) was adopted by sixteen member states to serve as the template for cooperative law and policies within the national territory of each of the signatory states. The idea was the harmonization or the unification of cooperative law as most appropriate in the signatory states. Further, it was also hoped by the signatory states that the OHADA Act will reposition cooperatives with the region for advanced contributions to sustainable development.

However, over ten years since the inauguration of the OHADA Act much of its target purposes remains unachieved. The inability to achieve the target goals have been ascribed to diverse reasons by different schools of thoughts. Scholars such as David Heiz and Willy Tadjudje however appear to capture the problem in the most systematic approach<sup>42</sup>. According to this authors the following are the cogent deficiencies of the OHADA Act<sup>43</sup>:

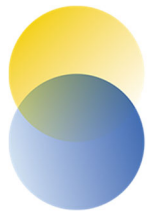
- i. It was put in place without the adequate input of the cooperators and cooperative movement;
- ii. It was unable to reconcile the diversities in economics, socio-politics, law and cooperative practices as obtained in the sixteen signatory states;
- iii. National legislative were reluctant to domesticate the provisions into national laws.
- iv. The legislators, cooperators and other stakeholders could neither situate the OHADA Act as a harmonization nor unification mechanism for cooperative law among signatory states. Neither was the Act able to reconcile the needs for harmonization and unification of cooperative law among signatory states.

The above deficiencies are the reasons the goals of the OHADA Act have not been achieved. The revelations of the OHADA Act as stated above are on all fours the other legal and administrative frameworks on cooperatives from the global, regional to the sub-regional structures from the lenses of the global-south. The above circumstances aptly captures and depicts a weak system of external support for the foundational framework on African Cooperatives. Therefore, the national, and sub-national cooperative laws in most African state, same as the bye-laws of

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42 David Heiz and Willy Tadjudje (2013). The OHADA Regulation. International Handbook on Cooperative Law. Springer.

43 Ibid.



the domicile cooperatives are to large extents devoid of external influence. This brings to the fore the imperative to evaluate municipal cooperative laws in Africa.

Cooperative law in Nigeria is a product of the introduction of modern cooperative practices into the country by the then British colonial administration. Prior to this introduction, there were customary cooperative practices by peoples of the various societies now known as Nigeria<sup>44</sup>. Thereafter, some more formidable cooperatives were organized by various groups among the indigenous people of Nigeria in response to perceived overbearing economic interest by British entities<sup>45</sup>. The introduction of modern cooperative practices resulted in the promulgation of the Nigerian Cooperative Ordinance of 1935. This author have vigorously argued that the Nigerian Cooperative Ordinance of 1935 was mechanism of the colonial administration to put the growing and more formidable Nigeria cooperative movement under control, rather than to regulate and promote them. This assertion is premised on the fact that the periods between 1920s to 1950s were marked by the concerted attempts by the British government to control the growth of socialist influenced cooperativism on British soil<sup>46</sup>. Thus, the colonial administration in Nigeria which is an extension of British government in London could not have turned around to promote on colonial territory an idea it seek to curtail on home soil. Furthermore, the attainment in 1956 of self-rule in Nigeria and thereafter independence in 1960 has had minimal effect on the substance of the Ordinance of 1935. Currently, the Nigerian Cooperative Societies Act bears substantial relics of the Ordinance<sup>47</sup>.

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44 These included the Aaro, Adashe, Ebese, Owe which where not limited to customary cooperatives in the real sense but also included traditional models of mutual aids and socioeconomic solidarity.

45 For example the Agege Planters Union, and the Egba Farmers Union that were in 1926 recognised and subsequently reorganised by the then Ministry of Agriculture under the colonial government of Sir Graeme Thomson.

46 Brett Fairbairn (1994) *The Meaning of the Rochdale: The Rochdale Pioneers and the Co-operative Principles*.

47 This assertion is built on the fact that both the fact that there is marked similarities in the attitude of both the British colonial administration and the post independence Nigerian administration to the cooperative movement. Further, both the Ordinance of 1935 and subsequent Nigerian cooperative legislation on cooperative have had practically the same effect on the cooperative movement. None have promoted the cooperatives, all have kept the cooperatives regulated.



The identified peculiarity is the same with sub-national statutes on cooperatives in Nigeria<sup>48</sup>. The identified fact has propelled this author to posit that the disposition of the then British administration to Nigerian Cooperatives is at par with the disposition of successive Nigerian administration. Thus, a weak cooperative legal framework has been maintained in Nigeria from 1935 till date.

## 5. Conclusion

Cooperatives are integral to the implementation of sustainable development. Their thoughts and activities have been at the fore of the sustainable development agendas for over 200 years. The cooperative movements is represented in virtually every nook and cranny of the world, and have built formidable horizontal and vertical chains for proper implementation of its goals. Although the cooperative movement is a private sector initiative, a status the movement jealously maintains, The movement has been compelled to survive in a dynamic and multi-stakeholders world. Inevitably, the movement has had to partner with various stakeholders. Most prominent among these stakeholders are the governments and their various institutions in each state. This relationship, which would ordinarily be envisaged to be symbiotic, has over the years proved otherwise. This scathing reality is experienced the world over in varying degrees across jurisdictions. The global-south, particularly Africa has been more susceptible in this regards. An evaluation of the Nigerian situation shows profound similarities with several other African states. The results was employed to situate the problem. Gaps were identified; with perhaps the most significant being the traditional conflict between the bourgeoisies and the proletariats. The proletariats as represented by the cooperatives movements acting in solidarity through the instrumentalities of the cooperative model to break economic and social barriers. On the other side of the divide are the bourgeoisies as represented by the tiers of government and their institutions, and the elite class of the societies who owns the rather exploitative businesses with which the cooperatives compete. Characteristically, the bourgeois have the upper hand, hence one of its institutions; the legislature maintain weak national and sub-national legal frameworks for cooperatives which are disadvantageous to the cooperative movement. The above situation is maintained in the face of the absence of an apex international framework with the capacity to impose the appropriate standards on signatory states.

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48 The provisions of sub-national legislation on cooperatives in Nigeria e.g Cooperative Societies Law of Oyo State (supra) are very similar to the provisions of the Nigerian Cooperative Societies Act (supra).



## 6. Recommendation

It has become an imperative to upscale the legal frameworks on cooperatives. The endeavour is proposed to be encompassing. Goal number 16 of the Sustainable Development Goals (SDGs) emphasizes among others, the provision of access to justice for all sectors and to build effective, accountable and inclusive institutions at all levels. The goal 16 of the SDGs has the following outcome targets:

- (a) the promotion of the rule of law;
- (b) promotion of the participation of all sectors in global governance;
- (c) promotion universal legal identity etc.

It is proposed that the utilisation of cooperatives for environmental management is reconciled into the core value of goal 16 of the SDGs on the structure of a binding international legal instrument.

Given the foregoing, an apex tier legal policy at the global level is proposed for the global cooperative movement. The ideal is drawn from the significance of the Universal Declaration on Human Rights which has provided a template for the constitutional development in many countries and the advancement of social and political rights of many peoples, particularly in the global-south. Therefore, a similar version is recommended for the cooperative movement in the form of a Universal Charter for Cooperatives for the advancement of economic, environmental, and social right as a holistic blend.

Furthermore, it is anticipated that on the template of a Universal Charter for the Cooperatives, a standard would be “imposed” on these national and sub-national legal frameworks for cooperatives, in the same vein the Universal Declaration on Human Rights “imposes” a standard for social and political rights in a comprehensive blend.