

APPLICATION OF TREATIES IN NIGERIA VIS-À-VIS THE INSTRUMENTS OF THE INTERNATIONAL LABOUR ORGANISATION*

Abstract

The constitutional requirement for application of treaties in the Nigerian jurisprudence appears thin and settled by the provisions of section 12(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). The nature of the constituents of the International Labour Organisation (ILO) is however sui generis because apart from sovereign states, employers and employees also participate in the making of conventions. The situation is therefore different with regards to international legal instruments that deal with labour rights. The paper discusses the procedure for the application of such instruments of the ILO, the attitude of the courts to such instruments and makes a case for a more liberal approach to the interpretation and application of international legal instruments and domestic laws that dwell on labour rights.

Keywords: *Treaties, Conventions, Application of international Legal instruments in States.*

1. Introduction

The constitution of the International Labour Organisation (ILO) made provisions for bringing its legal instruments into force in the member states. Particularly, Article 19 (5) provides as follows:

- (a) the Convention will be communicated to all Members for ratification;
- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;
- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention

The provisions indicate clearly the power and the discretion of the member states to enact legislation or *perform other action* to give effect to the conventions of the ILO. This power and discretion endorses

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the sacred principle of the sovereignty of member states of the ILO as emphasised by the Vienna Convention on the Law of Treaties 1969 (VCLT 1969).¹ However, the (VCLT 1969) defined ‘treaty’ as ‘*an international agreement concluded between states in written form and governed by international law.*’² Its application does not therefore cover instruments originating from non-state actors in international law like employers and employees who participate in moulding legal instruments of the ILO. Though the Convention emphatically removed agreements reached by international organisations from the application of its provisions, such agreements do not lack legal force for not complying with the ratification requirements of the Convention. Thus the Convention provided that:

[T]he fact that the present Convention does not apply to international agreements concluded between States and other subjects of international law or between such other subjects of international law, or to international agreements not in written form, shall not affect: (a) the legal force of such agreements; (b) the application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention; (c) the application of the Convention to the relations of States as between themselves under international agreements to which other subjects of international law are also parties.³

The provisions of article 3 of the VCLT 1969 did not create any certain or clear position on legal instruments that do not emanate from states. Merely stating that they do not lack legal force does not attribute to them, the same legal force with treaties or other legal agreements entered into by states. Moreover, in respect of international organisations, the VCLT 1969 applies to a treaty constituting them which includes treaties adopted within the organization, since they are concluded by States. But the application is still subject to the relevant rules of the organization.⁴ Those rules, for example, may govern the procedure by which treaties are adopted within the organization, how they are to be amended, and the making of reservations. For example, the Constitution of the International Labour Organization (ILO) prohibits reservations being made to an ILO convention.⁵

Because of the exclusion, the binding nature of ILO conventions differ from that of traditional treaties in relation to mode of entry into force, the number of ratifying states and reservations.⁶ The only reason for excluding them is that since the rules of international law governing them differ in a few respects from the rules governing written treaties between states, excluding them will prevent the convention from becoming complicated.⁷ Therefore, to ensure substantial compliance with the standards, a robust and effective domestic legal framework is necessary.

Relief came with the creation of the Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations, 1986 (VCLT 1986).

¹ Vienna Convention on the Law of Treaties, 1969, art 1.

² *ibid* art 2(1) (a).

³ *Ibid* art 3.

⁴ *Ibid* art 5.

⁵ Anthony Aust, ‘Vienna Convention on the Law of Treaties (1969)’ *Max Planck Encyclopedia of Public International Law* [MPEPIL] 2006.

⁶ Vienna Convention on the Law of Treaties, 1969 art 24.

⁷ Peter Malanczuk, *Akehurst’s Modern Introduction to International Law* (7th Revised Edition Routledge 1997 London) 131.

2. Historical Context of the Vienna Convention on Law of Treaties between States and International Organisations or between International Organisations 1986

The specialized agencies of the United Nations and other international organizations, concluded an increasing number of treaties with States (e.g., agreements on privileges and immunities or headquarter agreements) or between themselves (e.g., cooperation agreements) after 1945.⁸ This led to the development of different theories of international law to identify the legal basis of these treaties. The International Court of Justice gave a judicial imprimatur to these theories by affirming the international legal personality of the United Nations in its Advisory Opinion on *Reparation for Injuries Suffered in the Service of the United Nations*.⁹ But no generally shared *opinio juris* evolved. That became evident during the work of the International Law Commission on the codification of the law of treaties where some treaties concluded by international organizations from its draft articles on the law of treaties were excluded.¹⁰ Because the attempts to incorporate those treaties into the Convention failed, the United Nations Conference recommended that the General Assembly entrust the International Law Commission with the preparation of a separate set of draft articles which the Commission submitted in 1982.

In 1986, the General Assembly held a conference in Vienna to adopt the draft articles as a convention. The General Assembly took an active part in the preparation of the Conference with two main aims: to avoid possible discrepancies between parallel provisions in the 1969 Vienna Convention on the Law of Treaties and the new convention; and to ensure that the specific provisions concerning international organizations would be acceptable to the greatest possible number of participants in consideration of the strong differing views of the Western and Eastern blocs. With that in mind, the Assembly transmitted to the Conference a consensus list of articles which had to be considered in full, while all other articles were only to be reviewed for consequential drafting adaptations. The Assembly further adopted draft rules of procedure for the Conference which made the adoption of articles by vote the exception, as voting on codification texts had lately produced unsatisfactory results. In fact, all substantive articles were adopted without a vote by the Conference and only the settlement of disputes procedure, the final clauses and the Convention as a whole were voted on.¹¹ VCLT 1986 extended the definition of treaties to agreements involving international organisations.

3. Application of Treaties under the Nigerian Domestic Legal Framework

The Constitution of Nigeria provides for submission of treaties before its ‘competent authority’¹² for enacting such treaties into law before they become applicable to Nigeria. The Constitution of the Federal Republic of Nigeria provides that ‘*no treaty between the Federation and any other country shall have the force of law to the extent to which any such treaty has been enacted into law by the National Assembly.*’¹³ The effect of this was that mere ratification of a treaty does not validate it or make it applicable in Nigeria. The Supreme Court of Nigeria validated this view in *Abacha v Fawehinmi*¹⁴ (Abacha’s case). The respondent, a legal practitioner, was arrested and detained without warrant at his residence on Tuesday 30 January 1996. At the time of arrest, the respondent was not informed of, nor

⁸ Karl Zeman, ‘Vienna Convention on the Law of Treaties Between States and International Organizations or Between International Organizations’ United Nations Audiovisual Library of International Law <<https://www.legal.un.org>> accessed 2/01/2018.

⁹ *I.C.J. Reports 1949*, pp. 174-188, at 179).

¹⁰ *Yearbook of the International Law Commission*, 1950, vol. II, part VI, chapter I, and 1962, vol. II, chapter II.

¹¹ Above (n 8).

¹² The parliament or ‘competent authority’ in Nigeria is the National Assembly comprising the Senate and House of Representatives.

¹³ Constitution of the Federal Republic of Nigeria, 1999, s 12(1).

¹⁴ (2000) 6 NWLR. (pt. 660) 228 at 288-289.

charged with, any offence. In consequence, he applied to the Federal High Court, Lagos, pursuant to the Fundamental Rights (Enforcement Procedure) Rules 1979 for *inter alia*:

- A declaration that the arrest of the applicant, Chief Gani Fawehinmi by officers, servants, agents, privies of the respondents and/or of the Federal Military Government constitutes a violation of his fundamental rights guaranteed under sections 31, 32 and 38 of the 1979 Constitution and articles 4, 5, 6 and 12 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap 10 Laws of Federation of Nigeria 1990 and is therefore illegal and unconstitutional.
- A declaration that his detention without charge by the officers, servants, agents, privies of the respondents at his residence constitutes a gross violation of his fundamental rights guaranteed under sections 31, 32 and 38 of the 1979 Constitution and articles 5, 6 and 12 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap 10 Laws of Federation of Nigeria 1990 and is therefore illegal and unconstitutional.

The Supreme Court held that treaties formed no part of domestic law unless enacted by the legislature. It said that domestic courts had no jurisdiction to construe or apply such treaties nor could unincorporated treaties change the law of the land. Such unincorporated treaties should not have direct effect upon citizens' rights and duties in common or statute law. They may however indirectly influence the construction of statutes or give rise to a legitimate expectation by citizens that the government would observe the terms of an unincorporated treaty.

4. Application of Instruments of the International Labour Organisation in Nigeria

Abacha's case laid the foundation for denying application of many international legal instruments to Nigeria on the ground of non-incorporation through enactment. The Supreme Court relied on the judgment of the Privy Council in *John Junior Higgs and David Mitchell v The Minister of National Security and others*¹⁵ (*Higgs Case*). In Higgs case, the appellants/prisoners, who were convicted of murder, had exhausted all local remedies. They had petitioned the Inter-American Commission on Human Rights and were awaiting a decision on whether there was a breach of their fundamental rights. The Privy Council held that an international treaty could only be incorporated by statute and a national court could not rule on what was an issue for the international organisation.

The Supreme Court of Nigeria adopted the stand of the Privy Council and held that treaties formed no part of domestic law unless enacted by the legislature. It said that Domestic courts had no jurisdiction to construe or apply a treaty, nor could unincorporated treaties change the law of the land. They had no effect upon citizens' rights and duties in common or statute law. They might have an indirect effect upon the construction of statutes or might give rise to a legitimate expectation by citizens that the government, in its acts affecting them, would observe the terms of the treaty. In spite of making mention of s. 12(1) of the Constitution, the Supreme Court quoted and relied on a statement in Higgs case to the effect that '*in the law of England and the Bahamas, the right to enter into treaties was one of the surviving prerogative powers of the Crown*'. Ogundare JSC who read the lead judgment approved the above statement in Higgs case by saying that '*in my respectful view, I think the above passage represents the correct position of the law, not only in England but in Nigeria as well*'. With these weighty words the full court of seven Supreme Court Justices opened the gateway for denying application of many international legal instruments to Nigeria. In *Medical Health Workers Union of*

¹⁵ [1999] 1 WLR 1679.

*Nigeria v Minister of Health and Productivity & ors*¹⁶ the Court of Appeal, relying on the two Supreme Court decisions held that:

There is no evidence before the court that the ILO Convention, even though signed by the Nigerian Government, has been enacted into law by the National Assembly. In so far as the ILO convention has not been enacted into law by the National Assembly, it has no force of law in Nigeria and it cannot possibly apply. ... Where, however, the treaty is enacted into law by the National Assembly as was the case with the African Charter which is incorporated into our municipal (i.e. domestic) law by the African Charter on Human and People's Rights (Ratification and Enforcement Act, Cap. 10, Laws of the Federation of Nigeria, 1990)... it becomes binding and our courts must give effect to it like all other laws falling within the judicial powers of the Courts.

In *Registered Trustees of National Association of Community Health Practitioners of Nigeria v Minister of Labour and Productivity*,¹⁷ the Supreme Court applied the *ratio* in *Abacha's case* to determine the applicability of a ratified ILO convention to Nigeria. It held that as far as the ILO Convention has not been enacted into law by the National Assembly it has no force of law in Nigeria and it cannot apply.

The Nigerian courts were thus persuaded by the laws of the United Kingdom and the Bahamas on the applicability of treaties to hold that conventions on labour rights require enactment into law before they take effect in Nigeria. With the greatest respect, I disagree with the reasoning in *Abacha's case* and other judgments anchored on it.

It is curious why the Supreme Court would extend a law based on deference to the prerogative of the British crown to Nigeria. It is correct to say that the right to enter into treaties is one of the prerogative powers of the British crown since sovereignty in the United Kingdom lies in the Crown. Moreover, Britain operates an unwritten constitution. In Nigeria, sovereignty lies in the people and flows from the provisions of a written constitution from which all other laws derive their validity. The guide on giving effect to international legal instruments must thus be given by the constitution or any other law deriving its ultimate source and validity from it.

5. Justification for Direct Application of Ratified Conventions of the International Labour Organisation in Nigeria

Ratified ILO conventions contrary to the position of the Supreme Court are applicable to Nigeria without enactment by the National Assembly considering the Provisions of the Domestic Legislation on the making of treaties, constitutional provisions and International Best Practices.

Provisions of the Domestic Law

There is a domestic law in Nigeria on the making of treaties. Unfortunately, the attention of neither the Supreme Court nor the lower courts that relied on *Abacha's case* was drawn to the Treaties (Making Procedure, etc.) Act.¹⁸ The Act gave comprehensive guide on how to give effect to treaties under Nigerian law. It defined 'Treaty or Agreements' as: '[I]nstruments whereby an obligation under international law is undertaken between the Federation and any other country and includes 'conventions', 'Act', 'general acts', protocols', 'agreements' and 'modi-vivendi', whether they are

¹⁶ (2005) 17 NWLR (pt 953) 120.

¹⁷ S.C. 201/2005.

¹⁸ Cap. T 10 Laws of the Federation of Nigeria 2004; Cap C 23, Decree No. 16, 1993.

bilateral or multi-lateral in nature'.¹⁹ It provides that 'The treaty making procedure specified in this Act shall be binding and applicable for the making of any treaty between the Federation and any other country on any matter on the Exclusive List contained in the Constitution of the Federal Republic of Nigeria 1999'.²⁰ The Act classified treaties into three: a. law-making treaties, being agreements constituting rules which govern inter- state relationship and co-operation in any area of endeavour AND which have the effect of altering or modifying existing legislation or which affects the legislative powers of the National Assembly; b. agreements which impose financial, political and social obligations on Nigeria or which are of scientific or technological import c. agreements which deal with mutual exchange of cultural and educational facilities. (Emphases added)²¹ The Act gives a direction on ratification and enactment by providing that the treaties or agreements specified in: a) paragraph (a) of subsection (1) of this section need to be enacted into law; b) paragraph (b) of subsection (1) of this section need to be ratified; c) paragraph (c) of subsection (1) of this section may not need to be ratified. (Emphases added).²² It puts the meaning of 'treaty' more clearly and in a firm perspective by stating categorically that it is an obligation between Nigeria (the federation) and any other country and included 'conventions ...agreements... whether they are bilateral or multilateral'.²³ It gave clarity to the intentions of the legislature by classifying treaties into three categories: Those that must be enacted into law, (category A), those that only need to be ratified (category B), and, those that need not be ratified (category C).

Treaties that Require Enactment prior to Application (Category A)

Treaties in Category A have two characteristics: They must be treaties constituting rules which govern inter- state relationship and co-operation (relationship between Nigeria and another country) *AND* They have the effect of altering or modifying existing legislation or which affects the legislative powers of the National Assembly. Reference to treaties in section 12(1) of the Constitution relates to treaties in category (A). The section clearly refers to treaties made between Nigeria and *any other country* to the exclusion of other forms of international legal instruments like conventions or recommendations, which more commonly contain international labour obligations. The second feature of category (A) treaties is that they must have been intended to have the 'effect of altering or modifying existing legislation or which affects the legislative powers of the National Assembly'. The international legal instruments of the ILO are always subject to domestic laws. They are never meant to subvert the legislative powers of a member state. Article 19 of the ILO Constitution rather preserves the parliamentary or legislative roles and powers of member states in respect of making of conventions and recommendations.

Treaties that require mere Ratification before Application (Category B Treaties)

Treaties in category B are those *agreements which*: impose financial, political and social obligations on Nigeria OR are of scientific or technological import. The Treaty (Making Procedure) Act clearly excludes treaties in this category from the application of section 12(1) of the 1999 Constitution. They merely require ratification by the competent authority for them to be applicable in Nigeria. The first feature of these treaties is that they do not create any inter- state relationship between Nigeria and any other country. Secondly, they merely raise financial, political and social obligations on Nigeria.

¹⁹ *ibid* s. 3(3).

²⁰ *ibid* s 1(1). (Emphasis added). The exclusive legislative list contains issues on Labour, including trade unions, industrial relations; conditions, safety and welfare of labour; industrial disputes, prescribing a national minimum wage for the Federation or any part thereof; and industrial arbitration.-1999 Constitution, pt 1, item 34.

²¹ Treaty (Making Procedure etc) Act (above n 126) s 3(1)

²² *ibid* s 3(2).

²³ *ibid* s 3(3).

Conventions and other instruments of the ILO fall within this category. They are ‘agreements’ made by Nigeria, other countries and representatives of employers and workers creating some obligations on Nigeria to comply with the standards and not any agreement with another state. The principles of freedom of association, organisation and collective bargaining which were in issue in *Registered Trustees of National Association of Community Health Practitioners of Nigeria v Minister of Labour and Productivity and MHWUN v Minister of Health & Productivity & Ors* fall within the category. The same issues including right to personal liberty were before the Supreme Court in *Abacha’s case*. By ratifying Conventions No. 87 and 98 of the ILO or indeed any other instrument on labour rights, which merely raise obligations on Nigeria, such instruments become applicable without more.

Treaties that may not need to be Ratified (Category C Treaties)

This category refers to treaties that *deal with mutual exchange of cultural and educational facilities*. They are outside the scope of this work and thus will not be discussed further.

Constitutional Provisions

The Nigerian Constitution does not require the National Assembly to incorporate ILO instruments on core labour standards into law through enactment before they come into effect. It would have said so clearly if the framers of the constitution so intended. Besides, the obligation to abide by the provisions of the Core Labour Standards (CLS) is an inherent requirement for membership of ILO. The Declaration on Fundamental Principles and Rights at Work, 1998 declares that:

[A]ll Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the organisation to respect, to promote and to realize, in good faith and in accordance with the constitution, the principles concerning the fundamental rights which are the subject of those conventions, namely: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.²⁴

Nigeria being a member of the International Labour Organisation has a duty to abide by the provisions of the Declaration. Though Declarations are not legally binding on signatory states, it is good international practice to interpret domestic legislations to give effect to ratified international legal instruments. The view held by the Supreme Court in *Abacha’s case* would definitely defeat the sense of commitment of Nigeria as a member state of the ILO. Moreover, the provisions of the Nigerian constitution and the African Charter on Human and Peoples’ Right, 1981²⁵ are in tandem with the spirit of Convention Nos. 87 and 98 of the ILO. The presumption that the drafters of the constitution did not intend that section 12(1) should apply to ILO instruments is therefore valid.

Furthermore, the authoritative value of the decisions of the Supreme Court has been eroded by provision of Constitution of Nigeria (Third Alteration) Act, 2010, which gave exclusive jurisdiction to the National Industrial Court on interpretation of international legal instruments on labour matters. It provides that:

Notwithstanding anything to the contrary in this Constitution, the National Industrial Court shall have the jurisdiction and power to deal with any matter connected with or pertaining to the application of any international convention, treaty or protocol of

²⁴ Art. 2. Emphasis added.

²⁵ The Charter was domesticated into Nigerian Law by the African Peoples and Human Rights (Domestication) Act, Laws of the Federation of Nigeria, 2004.

which Nigeria has ratified relating to labour, employment, workplace, industrial relations or matters connected therewith. (Emphasis added).²⁶

The enabling law²⁷ that confers jurisdiction on the National Industrial Court relaxed the hurdle of enactment of international labour instruments into law. It enjoins the Court to have due regard to *good or international best practice in labour or industrial relations* while exercising its jurisdiction. On what amounts to good or international best practice in labour or industrial relations, the Act provides that *it shall be a question of fact*. If interpreted very strictly, the Court can apply un-ratified instruments, which contain standards deemed by it to be of good or international practice in labour or industrial relations. This provision has an underlying progressive intention. However, it will be stretching the power of the court too far. It will be undermining the sovereignty of the Nigerian state if all it takes for a labour convention to apply to Nigeria is the view of a court that the instrument provides for good or international best practice.

6. Conclusion.

The driving force behind the idea and development of international labour standards was the notion of social justice. The expression ‘social justice’ was introduced in 1919 in the course of the discussions that took place in the Peace Conference when the original constitution of the ILO was being drafted as part of the Treaty of Versailles. Thus, the preamble to the constitution of ILO after introducing the idea of social justice went on to say that the ‘High Contracting parties moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world agree...’²⁸ Social justice is, in its own right, an objective of international labour law even if little emphasis was laid on it initially. This was probably because it was initially a great innovation to international law, given the fact that the memories of slavery as an international action were still fresh. Since 1919, there has been marked improvement in conditions of labour and standards of living in developed countries. However, in the developing countries, social conditions still involve hardship, and in some cases are even quite critical. The urgency of finding solutions to these problems make it even more important to define clear goals of national development and the welfare of the population, a process in which international standards, used with a proper sense of priorities, could be of considerable help. This proper sense of priorities can be aided by the Courts through a more liberal interpretation of labour laws. Since Judicial decisions are instruments for expansion or reduction of powers of government, the role of the judiciary in the growth of industrial jurisprudence can be judged by analyzing its trends in decided labour related cases.

The Nigerian state conceptually displays a commitment to the precepts of international labour standards. It ratified the relevant international instruments that espouse and promote international labour standards like the instruments on core labour standards.²⁹ Nigeria equally enacted much beneficial legislation that tend to promote social justice.³⁰ Although social justice may be seen as vague and indeterminate expression, it does not emanate from fanciful enactments, provisions of law or beautiful notions of any

²⁶ Section 254(c) (2).

²⁷ National Industrial Court Act, 2006, section 7(6).

²⁸ P. O. Okonkwo, *International Labour Standards in the Nigerian Oil and Gas Sector*, Lambert Academic Publishing Germany (2016), p 47.

²⁹ The Core Labour Standards are Freedom of Association, Abolition of Forced Labour, Equality of Treatment and Elimination of Child Labour.

³⁰ Trade Disputes Act cap T8 LFN 2004, Employees’ Compensation Act 2010, Pension Reform Act 2014, Labour Act, LFN LI 2004, Trade Dispute (Essential Services) Act, cap 432, Laws of the Federation, Trade Union (Amendment) Act Laws of the Federation of Nigeria, 2005, Trade Union Labour Relations (Consolidation) Act, 1992 T and Trade Unions’ Act, cap. T 14 LFN, 2004.

adjudicator but must have a more solid foundation. This solid foundation can be made more manifest through robust and positive interpretations of labour laws and international labour standards. Therefore, labour laws should be more generally construed liberally in favour of labour; resolving all doubts in the implementation and interpretation of the provisions of Labour Conventions and Regulations. Similarly, domestic legislation that provide guide on the interpretation of internal legal instruments like the Nigerian Treaties (Making Procedure, etc.) Act should be given beneficial interpretation in order give effect to the beneficial international legal instruments which are meant to serve the interest of workers who ordinarily are in a weaker position vis-à-vis the employers.

In order to interpret a statute beneficially a learned scholar adumbrated three important principles that should be followed:³¹ a) Words in the statute should be interpreted in its widest form but only to the extent which the language permits or contains; b) The most complete remedy which a particular provision intends should be given; c) A statute should always purport to confer benefits on particular class or category for which the beneficial legislation is intended. Also, while construing welfare legislation the Supreme Court of India adopted the following steps:³² a) liberal approach should be adopted, and b) Purposive construction which would effectuate the object of the welfare legislation should be given to the expressions used in the statute. If these liberal approaches were adopted and the purport of the provisions of the Treaties (Making Procedure, etc) Act were applied in *Abacha v Fawehinmi*,³³ *Registered Trustees of National Association of Community Health Practitioners of Nigeria v Minister of Labour and Productivity*,³⁴ and *MHWUN v Minister of Health & Productivity & Ors*³⁵, the Courts would have reached different decisions that would have given the workers better protection that ventilate the notions of social justice. This is more advisable because even when a statute is meant for the benefit of a particular class and if a word in the statute is capable of two meanings i.e. one which would preserve the benefits and one which would not, then the meaning that preserves the benefit must be adopted.³⁶

³¹ Shashni, Akriti, Beneficial Interpretation in Welfare Legislation: Study of Judicial Decisions in India (July 26, 2013). Available at SSRN: <https://ssrn.com/abstract=2298771> or <http://dx.doi.org/10.2139/ssrn.2298771> Accessed 8 January 2018.

³² *Nagpur District Central Co-operative Bank v. State of Maharashtra*, 1987 Mah LJ 593

³³ Above n 14.

³⁴ Above 17.

³⁵ Above n 16.

³⁶ Hanumant, *On Beneficial Construction* available at <http://hanumant.com/IOS-Unit7-BeneficialAndStrictConstruction.html>. Accessed 8 January 2018.