

# **STAFF UNIONS, CONFLICTS AND CONFLICT RESOLUTION IN TERTIARY INSTITUTIONS IN NIGERIA**

**Foluso Olutoyin Okebukola (PhD)**

Department of Language, Arts & Social Science Education

Lagos State University,

Ojo, Lagos.

Email: [fokebs@yahoo.com](mailto:fokebs@yahoo.com)

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## Introduction

It is a delight to be part of this conference on Conflict Resolution in Tertiary Institutions in Nigeria. I am honoured to be asked to make a lead presentation and wish to thank the organizers for the initiative of the conference.

As you are aware, down through the ages, conflicts are features of human communities. Conflicts are reported daily at the family, regional and global levels. Recall the fall of man in the Garden of Eden as a consequence of a family conflict. We had a civil war in Nigeria and there are political conflicts everywhere in the country, even now as I speak. In Africa, there had been conflicts in the Congo and the Sudan. The Middle East conflict has lasted for decades. Over the past few years, tension in the Korean peninsula has risen to almost flash point. It is my suspicion that the organizing committee of the conference witnessed some mild conflicts during the course of their work in bringing us together for this event. These tensions become resolved one way or another with positive and negative effects on the communities where they occur.

Conflicts in institutions of higher learning are usually more interesting and in some way, more complicated to resolve since the parties involved operate at a higher level of intellectual orbit. Besides being more aware of their rights and established legal provisions on matters at hand, such parties resist being outwitted especially when in conflict with persons or groups outside the higher education system such as government. The group within the higher education community in Nigeria in focus in this paper is the staff union hence the title of the paper is set as “*Staff Unions, Conflicts and Conflict Resolution in Tertiary Institutions in Nigeria*”. Staff unions were selected for two major reasons. First, they are responsible for precipitating most of the nationally-recorded conflicts in tertiary institutions in Nigeria. It is worthy of note that activities of student unions, local communities around higher education institutions, actions by government at the state and federal level are also conflict inducing but not with the same fervor as staff unions.

The second reason, and deriving from the first, is that if staff union conflicts are resolved, there will be relative peace and harmony within the Nigerian higher education system. Hence, a focus on staff union-related conflicts will provide a general resolution mechanism that can be proposed to all stakeholders if peace and harmony should be assured in our universities, polytechnics and colleges of education.

At the title provides, staff unions will be discussed in relation to how they generate conflicts in tertiary institutions. They will also be discussed with regard to how such conflicts are resolved for us to be able to draw lessons for managing such conflicts in the future. The paper opens with an assessment of the role of government and staff unions in the management of tertiary institutions and discusses the background to government-staff union conflicts. It highlights where we are now with regard to such conflicts and prescribes some ways forward with reflections on the expectations of the staff unions. The concluding section makes statement about how all stakeholders can be tolerant of one another in the interest of promoting peace and harmony in our tertiary institutions. Although the conference is organized under the auspices of the Colleges of Education Academic Staff Union (COEASU), a greater deal of attention is paid in the paper to the activities of the Academic Staff Union of Universities (ASUU), because of its longer history of conflict-inducing activities and with the understanding that the conference is about tertiary institutions not only on colleges of education. Of course, suggestions are made in the papers which are broad-based enough to cover all staff unions.

### **Government, Staff Unions and Management of Tertiary Institutions**

The prominent unions recognized within the tertiary institutions in Nigeria are: The Academic Staff Union of Universities (ASUU), Senior Staff Association of Nigerian Universities (SSANU), Non-Academic Staff Union (NASU), Colleges of Education Academic Staff Union (COEASU), Academic Staff Union of Polytechnics (ASUP) and National Association of Technologists (NAAT). The main objective of these unions is to protect the welfare of their members. These unions have always been at loggerheads with both government and the authorities of institutions where they are established.

At the level of government, the agitations have been based on three major issues. These are:

1. Conditions of service
2. Funding of the system
3. University autonomy

Arikewuyo (2004) noted that while ASUU has been vehement on these issues, other staff unions have often focused more on welfare and salary of members, rather than on the issues of funding and autonomy. Till date, only ASUU is perhaps the only union that has signed comprehensive agreements with governments on the issues of funding, autonomy and conditions of service. Much of the conflicts

involving non-academic staff unions emanate from the collective agreements reached between the government and ASUU, which the non-academics regard as exclusionary. These have led to the popular parity conflict in the institutions.

### **Background to FGN/Staff Union Conflicts**

Conflicts between trade unions and the Federal Government of Nigeria have been long drawn. Fafunwa (1998) noted that the first faceoff between government and the Unions was in 1972 when General Gowon, the then Military Head of State ordered the workers to return to work or quit their subsidized government-owned accommodation. The workers returned to work disgruntled and frustrated. Since that time a number of disputes had been declared and settled unsatisfactorily. These have led to various incessant strikes by the Unions and the subsequent closure of tertiary institutions.

The Federal Ministry of Education (2003) reported the trend in the nationwide closure of tertiary institutions from 1993-2003 and put the aggregate total number of months lost at 30 – namely 1993 – 3 months; 1994 – 6 months; 1995 – 4 months; 1996 – 7 months; 1999 – month and 5 days; 2000 – 2 months; 2001 – 3 months; 2002 – 25 days and 2003 – 5 months and 5 days; 2000 – 2 months; 2001 – 3 months; 2002 – 25 days and 2003 – 5 months and 5 days. Also in 2007 the institutions were closed for 3 months; 2009 – 4 months; 2010 federal institutions – 3 months, states – indefinite. Strikes have become so persistent that students sarcastically refer to it as the third semester to the rain and Harmattan semesters.

The 1992 Agreement between the Federal Government and ASUU covered funding, welfare, university autonomy and academic freedom. The 1999 Agreement concentrated on academic allowances and some other conditions of service, as the then government which was transitional, insisted that it did not have enough time to discuss and agree on all areas as contained in the 1992 Agreement.

Government did acknowledge that FGN and ASUU needed a comprehensive agreement to address the decay and rot in the system and the issue of the brain drain, twin factors that had noticeably began to rob the Nigerian Universities of their former standing as centres of excellence and of high rating amongst the community of Universities in the world.

The June 30, 2001, Agreement, was seen as a step towards addressing these twin issues of brain drain and the rot in Nigerian Universities. This Agreement acknowledged that “to achieve the above goals, it had to comprehensively and

comparatively deal with the issues of funding, University Autonomy and Academic Freedom and Conditions of Service, if our Universities are to be internationally competitive". These were, therefore, negotiated and agreed upon to produce the 2001 ASUU/FGN Agreement.

The Agreement acknowledged that the problems of the Nigerian University system could not be addressed in one fell swoop. Hence it made provision for a three-year budget estimate for the needs of the Universities and also stated, inter alia: "That the Agreement shall be comprehensively reviewed every three years". This was to ensure that the Agreement was religiously implemented and that if there were problems of implementation, the two parties could come for negotiations on it. In order to evolve workable alternatives, the Agreement made provisions for an Implementation Committee.

Awuzie (2009) noted that if properly implemented, the Agreement would change the face and character of the Nigerian Universities and would reasonably begin to address the issues of brain drain and rot in the system.

By and large, the most sensitive cause of conflict in the recent past has been the refusal of the Federal Government to implement the agreement reached and signed at various times between 1981 and 2001. It is worthy of note that ASUU through the National Executive Council (NEC) called upon the Federal Government to negotiate and sign an agreement with the non-academic staff unions to enhance harmony on the campuses.

### **Where we are now**

It is gratifying to note that the federal government has finally acceded to the demands of the staff unions in its own institutions and that peace has finally returned in federal tertiary institutions. However, the refusal of some state governments to implement the agreement in their institutions has generated a lot of ripples which has kept these institutions closed for more than four months running. In a press release by the southeast state governments, *The Nation* (2010:12) reported that the Federal Government had clearly stated in the 2009 agreement it reached with ASUU that "...whereas it is recognized by the negotiating teams that education is on the concurrent list and by this Agreement, the Federal Government does not intend to and shall not compel the State Governments to implement the provisions of the Agreement in respect of their universities...".

However Awuzie (2009:3) noted that “ASUU has, since 1992, insisted that we should never have a multiplicity of academic standards in Nigeria. We cannot divide Nigerian Universities into low and higher standard institutions in the same structure. There should be just one system with one set of minimum standards that will keep the system internationally competitive. This is ASUU’s position. This is why we have insisted that what our Union has negotiated is a *minimum benchmark* for the system. State Governments that cannot fund their Universities to meet the benchmark set up in the Agreement will find that they cannot survive in the system. The minimum conditions are not just about *emoluments*. They are standards which must be met in the funding of *facilities for teaching and research*, funding of *post-graduate studies*, the *upgrading of programmes*, *remedy of deficiencies in them*, and for collaborating with industries in the *areas of research and development of technology* and staff development”.

It can be deduced from these submissions that both government and unions obviously have good intentions for the higher education system. Their conflicting views could therefore be harmonized for effectiveness and efficiency in the overall interest of the system. So what is the way forward?

### **The Way Forward**

A conflict situation suggests the involvement of two or more parties for it takes two to tango. Nearly all conflicts involve underlying emotional issues. To resolve conflicts therefore, it is necessary to address issues which are inflaming passion. This can be achieved through:

- Dialogue
- Mutual respect of feelings.
- Neither party feels superior or more powerful
- Participation is voluntary, not forced.
- The goal is a win-win outcome

A review of the processes involved in the resolution of the conflicts between the Academic Staff Unions of Tertiary Institutions and the Federal Government revolving around the issues of funding, conditions of services and academic freedom revealed that most of the conditions highlighted above were fully satisfied. This should serve as model in resolving the lingering conflict between the state governments that have not implemented the contentious agreement and their

tertiary institutions. They should be sincere and dialogue with the unions with all their cards on the table.

Although there is nothing in the agreement that compels them to provide for what they cannot afford, yet the agreements set up uniform standards which all universities must meet in order to provide quality education. This is the same thing the National Universities Commission (NUC), the Joint Admissions and Matriculation Board (JAMB) and other agencies do without contradicting the principle of federalism. The Revenue Mobilization, Allocation and Fiscal Commission (RMAFC) awards salaries and allowances to political office holders at all levels irrespective of their revenue.

Awuzie (2009)<sup>4</sup> reported that “the agreement contains, in addition to the constitutionally backed assistance within the powers of the National Assembly, provision for the new direction of the Education Trust Fund (ETF) intervention in Higher Education, the access to the Petroleum Technology Development Fund (PTDF), the patronage of University consultancies, the National Research Fund, and duty-free importation of educational materials. These shall provide significant sources of funding for state universities”.

### **Expectations from Staff Unions**

The role of staff unions or labour unions in any organization cannot be ignored. They are important stakeholders in the system. According to Arikewuyo (2008:20) “the system has witnessed a lot of conflicts partly because of the divergent role perceptions of government and the unions”. Egbokhare (2001) cited in Arikewuyo (2008) attributed the primary causes of conflicts between ASUU and the government to the conflict of perception of the mission of the universities, ASUU sees its role as that of defending and protecting the interest of the country as a whole. It sees in the universities the role of a people’s tribune, a critical watchdog for the society striving to curtail the excesses of the ruling class and the state. Government sees the universities as organs of the state’s bureaucracy, parastatals of a kind which should be loyal to national interest as defined and interpreted by the state. These perceived roles have always pitched the unions against government, with one being critical and suspicious of the other.

Alalade (2004) supported this view nothing that ASUU as a union has always clashed with all the ministers in charge of education (almost all of whom are academics drawn from Nigerian Universities) in matters concerning the funding and improvement of education. According to him, former President Olusegun Obasanjo

projected his worst lashing out on members of ASUU at a convocation ceremony in Calabar declaring that his administration would declare war on the Union and that God would work for him in the war.

It is also on record that governments in Nigeria had banned the unions on several occasions, stopped their salaries and ejected them from government quarters. These are pointers to the fact that there had been no love-lost between the two parties who should normally play complementary roles where integrity and sincerity of purpose thrive. All these call for self-introspection.

It is imperative for both parties to see each other as partners in progress rather than sworn enemies. I believe if there must be progress, there must be compromise. I believe it is helpful not to think about a more powerful and a less powerful party in a conflict. I also believe that the least powerful person should be given the lead role in generating and evaluating options. This helps balance the power.

In the light of this, government should assign roles to the Unions as participants in the decision-making process. The Unions on the other hand should not parade themselves as strike lovers, irresponsible and selfish people who are totally unconcerned with the fate of students.

As noted by Osibamowo (2010) COEASU in pressing for their needs adopts strike as the last option when dialogue, lobbying and consultant fail. No doubt, strikes are unprofitable, undesirable, destructive and avoidable. Prevention they say, is better than cure. The unions can take preventive measures to minimize conflicts and prevent the debilitating consequences in many ways including faithfully contributing their quota to the implementation of the current agreement and the realization of its objectives rather than leave everything to government. After all democracy is defined as the government of the people by the people and for the people. We are all part of government. We now examine the major issues which bring about conflict.

## **1. On Funding**

The agreement specifically states: "... being mindful of the process of meeting the goal of 26% annual budgetary allocation to education as enunciated in the UNESCO benchmark, the Federal Government shall endeavour to progressively increase budgetary allocation to the education sector in accordance with its vision 20:2020 programme". This implies that government is expected to progressively increase allocation to education as deemed fit. However, the unions, in their

participatory budgetary allocation to the other sectors as well as government's distribution of revenue to inform of the probable existence of a hidden sector to which funds are allocated. This will portray the unions as well-meaning, serious minded, genuine and selfless people who are not just crying wolf.

## **2. Utilization of funds**

It is expected on the basis of the agreement that funds internally generated and those released to the institutions will be used with full accountability and responsibility. This is why it was agreed that each Government Council shall set up a monitoring committee with representation from the congregation, senate, staff unions and the students union. ASUU commits itself to this task of ensuring accountability and transparency in the system and the optimal utilization of the resources available to the universities. I dare ask: How far has ASUU gone in fulfilling its own part of this agreement? Can we say how much each university, college of education or polytechnic (both at federal and state level) is generating internally? Can we say what the funds are being spent on? Are ASUU, COEASU and ASUP members privy to the utilization of funds in their institutions?

It is common knowledge that the Federal Government has made provision for funding higher education through the Education Trust Fund (ETF). The Ministers of Education consistently inform the public of the availability of huge sums lying fallow in the coffers of ETF and that many vice-chancellors, provosts and rectors have not availed themselves this opportunity of drawing down such funds. This should be a matter of concern for the unions. *Daily Sun* (2010:10) reported that the Vice-Chancellor of the University of Ilorin absolved the Federal Government of any blame in the funding of its universities noting that "the question we should ask is whether the funds are being properly spent or not".

What about the consumable funds disbursed directly to the Heads of Departments by the NUC; who monitors the expenditure? Yet the story we hear every day is that the laboratories lack equipment, there are no reagents and chemicals and so on. Where is the monitoring machinery of ASUU as contained in the agreement?

## **3. Prompt Reaction to Issues**

Staff unions should not wait till unprofitable ideas are executed before airing their views or protesting as decisions are not easily reversible. The scrapping of Higher School Certificate (HSC) and Trade Centres have left a vacuum which have been

difficult to fill and the education sector is the worse for it. As people say, if you do not know the value of something abuse is imminent.

The unions should advise and inform the government and the public on the danger inherent in the proposals. Access to universities remains a problem for the ever-increasing number of admission seekers. Over half of the candidates who sit for SSCE organized by WAEC and NECO as well as the UTME of JAMB do not make the required number of credits and scores for admission into universities. These find solace in Colleges of Education where they have the opportunity for remediation or graduate as primary school teachers capable of fending for themselves.

If the unions do not educate the ignorant politicians, the poor masses who are incapable of sending their children abroad and to private university admission seekers wasting away at home, even students detest it. The idle hand is the devil's workshop.

#### **4. Group Solidarity**

This refers to the belief that what affects one member of one branch affects all other members and branches of the union. For example, the union's demonstrations are held in solidarity by all branches for various positions which the union feels strongly about. The recent 3-day warning strike embarked upon by ASUU members in Federal Universities in solidarity with their state counterparts illustrates this. Although an understanding of democracy obliges identification with other members of the union, this practice is not helpful in correcting ills.

For instance it is unfair for federal and state governments who have been faithful to the tenets of the agreement to suffer the same fate as the non-complying states. They will be no motivation for the erring states to act positively. "The rod of the wicked should not remain over the lot of the righteous" (The Holy Bible Psalm 125:5). Besides, such injustice will not expose the state governments that do not value education.

#### **5. Group Discipline and Students Interest**

The general public whether justly or unjustly holds the tertiary institutions accountable for students' behaviour and production of manpower. Teachers and school authorities are often blamed for alleged moral and academic laxity and half-baked graduates. A graduate cannot be useful to the society and himself or herself

if not properly armed with knowledge and skills. The plight of the students should indeed be the concern of their teachers who had been students at one time or the other. Unions should therefore ensure that whatever demands they make do not boomerang on the students who are mostly from poor homes. It is noteworthy that the Southwest state governments have dropped the hint that they are “mindful of the astronomical rise in school fees which such pay will portend”.

It will be heart-warming to see the staff unions award scholarships to indigent students in the various institutions as concerned partners in the education industry. Staff unions should also take interest in the discipline of their members as in their welfare. The few bad eggs who are notorious for illegal sale of handouts, absenteeism from lectures, sexual harassment and other acts of misconduct should be exposed for normal disciplinary actions. This will help to redeem their image and attract public sympathy whenever they have cause to agitate for their rights.

## **Conclusion**

In this paper, we discussed staff unions in relation to how they generate conflicts in tertiary institutions. The unions were also discussed with regard to how such conflicts are resolved, for us to be able to draw lessons for managing such conflicts in the future.

Both academic and non-academic staff have different purpose and expectations from government in carrying out their function, there are bound to be conflicts within and among them. Since conflicts are inevitable, all parties should adopt the best situational management strategies to avoid or minimize conflicts and avoid constant violence in the interest of the students and the society at large. Nigerian tertiary institutions should be re-oriented towards performing their statutory functions of teaching, research and service. It is understandable that the issues of funding, academic freedom as well as conditions of service are germane to the survival of the system. Indeed money answers all things in the system not strikes. Trade unions cannot be passive to the welfare of their members, but they will show restraint in their agitation if they are carried along in the decision-making process in a transparent democracy. The consequences of breeding criminals, prostitutes, kidnappers and lay-about in our tertiary institutions are too daunting to be ignored!

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