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## **EFFECTS OF COLLECTIVE BARGAINING POWER ON DEMOCRATIC GOVERNANCE IN NIGERIA: A CASE STUDY OF ACADEMIC STAFF UNION OF UNIVERSITIES (ASUU) AND THE FEDERAL GOVERNMENT (FGN) NEGOTIATIONS, 1999 – 2020**

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### **INTRODUCTION:**

Sabia (2015) states that the proponents of wage increment such as former US President, Barack Obama, former UK Prime Minister, David Cameron and the governing coalition behind German chancellor, Angela Merkel argued that increment in wages will help the working class, particularly, the poor amongst them make ends meet as well as stimulate macro-economic growth. However, opponents of wage increment will impede economic growth by imposing higher costs on firms in employing low skilled workers which is associated with adverse employment effects. In the same vein, Ruttenberg and Tregarthen (2011) state that while some economists opposed the implementation of national wages on the ground that such increase lead to unemployment, other economists argued that the demand for unskilled workers as a group justifies the policy on wages even though it increases unemployment.

Nevertheless, Nigerian workers irrespective of social strata had demanded for general upward review of wages in the country over the years and it is no longer news that the federal government always set up Adhoc commissions to consider wage adjustments especially during the periods of labour unrest. For example, it would be interesting to note that fixing of wages or salaries as the case may be is based on recommendation of wage Review Commissions through Acts of legislations. Thus, at the inception of the forth republic, former President Olusegun Obasanjo's government in 1999 fixed minimum wage at N7,500 while N18,000 minimum wage took effect from January, 2011 as approved by ex-president Goodluck Jonathan in August 2010 and President Muhammadu Buhari signed N30,000.00 minimum wage Act into law in May, 2019.

However, all these breakthroughs with regards to wage increase were arrived at after series of negotiations in the midst of hurdles with respect to collective bargaining process between the representatives of the employees being the labour unions on one hand and the representatives of the employers being the management(s) of firms, industries or government on the other side of the divide; and overtime, the challenges being encountered during collective bargaining process cannot be over emphasized particularly on the side of government against the workers union, even though the unions have their own share of the blame, but this is incomparable to that of government in the sense that the labour unions could be faced with the problem of effective coordination amongst their members; while government on its own part is bedevilled with insincerity of purpose; take for instance, with due respect to pre-1999 era; which of course points to the period of successive military regimes within the Nigerian state; government was seen either not honouring agreements reached through collective bargaining or was seen disrupting the process of collective bargaining; a case in point is the age-long FG-ASUU negotiations or dialogues. This scenario continued unabated into the era of democratic governance in 1999 at the emergence of the Fourth Republic.

Moving on memory lane, the Academic Staff Union of Universities (ASUU) was established in 1978, during the military regime of Gen. Olusegun Obasanjo and there was no basis for any negotiation(s) based on collective bargaining mechanism with government because the union then, as it were, was settling down for business, thereby strategizing for the challenges ahead. This role was what the union was engaged in when Gen. Obasanjo handed over the mantle of leadership to the civilian regime of Alhaji Shehu Usman Aliyu Shagari. Well, even though it was not a military government, it would be fair to discuss the subject matter briefly before stepping into the military era. Therefore, in 1980, with regards to the abuse of negotiation based on collective bargaining technique on the issue of university autonomy and academic freedom, the report of Justice Belonwu visitation panel instigated the sack of six lecturers from the University of Lagos. Consequently, ASUU started a strike in view of the need to resist the termination of its members, which was carried out without due process. In 1981, after the discontinuation of negotiations owing to the disregard for collective bargaining principle on the side of government, ASUU resumed another strike to ask for a better university system, ranging from improved take home package; improved condition of service for its members amongst others.

On the Elongated University Salary Structure (EUSS) which was negotiated upon by the Federal government and ASUU in 1983; the resolution was not implemented adequately, as agreed by both parties which negates the principle of collective bargaining and this translated into a full blown industrial action in 1988 under the military administration of Gen. Ibrahim Babangida as a result of poor implementation of the previous agreement way back in 1983 as earlier stated. In 1985, ASUU in a negotiation with the federal government objected to Decree 16 of 1985 that allowed National University Commission to take charge of University senate in regulating programmes within the Nigerian University system and as a result, ASUU went on strike, when it realised eventually that the collective bargaining technique employed during the negotiation process was being punctured or undermined by government. In 1987, ASUU again embarked on an industrial action to press for the implementation of Elongated University Salary Scale in which a joint negotiation committee of ASUU and the Federal government was put in place and which of course, did not get the deserved attention from government in order to achieve the desired goal; again, making a mess of collective bargaining principle.

In view of ASUU's negotiation fireworks, which had become unbearable to the then military regime, ASUU was proscribed in 1990 and in no distant time, the union was revived to life in 1992, after the ban had been lifted and thereafter, embarked on another strike in protest to the snail-speed negotiation strategy by the federal government against ASUU over the working conditions within the public institutions; being the federal and state Universities in Nigeria; in which an agreement was ultimately arrived at before the expiration of 1992, but that agreement was also not implemented and that paved way for a strike and in 1993, ASUU was proscribed again because the union had refused the order of the Industrial Arbitration panel to suspend its strike and return to the negotiation table for renegotiation of the agreement reached in 1992 amongst which is the reinstatement of the disengaged lecturers of University of Abuja.

In 1996, under Gen. Sani Abacha's regime, ASUU went on strike to push for salary increase and government's support for the educational sector, but to no avail owing to poor negotiation mechanism vis-à-vis collective bargaining strategy on the part of the military government and later it banned ASUU in line with the dictatorial tendencies of the regime. ASUU remained banned when a new administration led by Gen. Abdulsalami Abubakar came into the helm of affairs to stir the ship of state; and in a bid to restore the integrity of the military; Gen. Abdulsalami re-instated all ASUU members that were dismissed during Gen. Abacha's regime. This action led to the 25<sup>th</sup> of May, 1999 ASUU agreement at the tail end of Gen. Abdulsalami's regime and unfortunately, that agreement was only an interim measure to enhance the income of academic staff as it did not substantively alter basic salaries nor affect issues of funding and autonomy. Thus, it merely adjusted allowances of University workers in breach of FG-ASUU negotiation vis-à-vis collective bargaining technique. (ASUU, 2000)

## **LITERATURE REVIEW:**

As a subject matter, the issue of collective bargaining power has been discussed and covered by many authors, intellectuals and decision makers. Many authorities have viewed the subject matter from the point of negotiations with due respect to failure in the process, owing to insincerity on the side of government, particularly in honouring agreements; although, a lot of these features depend on industrial relationship between the workers and the government.

Flanders (1970) defined collective bargaining as a social process that continually turns disagreements into agreements in an orderly manner in which agreed rules and decisions on matters of mutual interest to employers and unions as well as the methods of regularity of the conditions and the terms of employment are by negotiation and discussion. It is a form of workers participation because bargaining allows employees via their unions to influence the wages and conditions and terms of employment. Therefore, collective bargaining is a mechanism of creating working conditions, wages and other aspects of employments by way of negotiation between employers and representatives of employees.

As one of the processes of industrial relations, collective bargaining performs a number of functions in a work place. It could be seen as a way of industrial jurisprudence as well as a form of industrial democracy. It brings about industrial harmony at the workplace based on mutual agreement between employees and labour leaders and their members. It gives rise to better understanding which in turn facilitates the process of communication. It is a

mechanism for resolving conflict at workplace between management and labour as the assessment of conditions and term of employment. (Ayini, Elegbede and Gbamujo-Sherif, 2011).

Collective agreement is enshrined in Article 2 of the Right to be involved in Collective Bargaining; UN Convention of 1948. In terms of the Act, collective agreement means, any agreement in writing for the settlement of dispute relation to the terms of employment and physical conditions of work between an employer, a group of employers and organizations representing workers or a duly appointed representative of the workers. In the sphere of industrial relations, it is worthy of note that these agreements are not legally binding, but do have some elements of force. However, there might be the need to look at the angle of bargaining power. It points at the ability of an individual or group to influence others and affect behaviours; thus, it refers to the capacity to influence behaviour of another individual or group so that an agreement is established and when this take place, behaviour is changed unilaterally. Bargaining power is therefore defined as the ability to influence the other side of the divide to take decision that ordinarily would have not been made or taken.

According to Nwadiro (2011) based on process and functions, collective bargaining is supposed to be a very effective yardstick for resolving conflicts in organizations. However, evidence available indicates that this has not always been the position in the sense that in some cases, the crisis which leads to collective agreement in labour relations between employers and employees representatives are not always successfully recommended; and deducing from the above observation is that disagreements, walkout, work-to-rule scenario, deadlock and negligence of agreement reached would take place instead of the settlement of dispute and government has taken over the responsibility of wage fixing in Nigeria going by events in recent years of which collective bargaining has been relegated to the background because government resorted to creating wage tribunals as a mechanism of fixing and reviewing wage.

Anyim, et al (2001) opine that the use of Ad-hoc commission in addressing workers' demand such as wage determination and other terms and conditions of employment is unilateral and undemocratic as it violates good industrial democratic principles. This development makes it antithetical to democratic value, but has also undermined the importance of collective bargaining in Nigeria's public sector. Hawkins (1976) posits that what constitutes a fundamental test of bargaining power on whether the cost to one side is accepting a proposal from the other is higher than the cost of not accepting it. In essence, bargaining power is dynamic and not static. Bargaining power exists in any situation that involved differences that need reconciliation. In fact, the extent to which either side decides to test their power relation (coercion or persuasion) depends on a number of variables and these include: the astuteness of the negotiations, the degree of dependence on each other, the existence of rules of behaviour and the amount of trust and confidence in the relationship.

The right to collective bargaining has recognition in International Human Rights Conventions; thus, Article 23 of the Universal Declaration of Human Right identifies the ability to recognize trade unionism as fundamental human right (United Nations General Assembly, 1948). The declaration recognizes the collective bargaining as an essential right of workers (International Labour Organisation, ILO, 1998). Hence, International Labour Organisation, ILO, 1960) avers that there should be collective bargaining negotiation of working conditions and terms of employment between one or more employers' organisations on one hand and one or more representative of workers' organizations on the other hand with a view of reaching agreement on working conditions and terms

of employment or regulatory relations between employers' organizations and workers' organization. The stand of ILO is that collective bargaining is the care value that is connected to the freedom of association and the right to strike.

The issue of trust deficit in negotiations is another problem facing collective bargaining. In Nigeria, many of the substantive issues which are within the domain of the Ministry of Labour and productivity are decreed either by executive or legislative acts or via political body like a commission which is periodically created by government as employer of labour; and aside that, civil service rules regulate discipline, promotion and transfer of staff. Management position is represented by both method of job regulation devoid of collective bargaining. The role of the Ministry of labour and Productivity in Nigeria is irrelevant because of the influence and role of other government agencies; these developments have undermined the relevance of collective bargaining in the public sector (Anyim et-al, 2011).

Government is known to intervene in collective bargaining technique; however, it does not act as a watchdog for the enforceability of any agreement reached. Most negotiations are entered into by agents of government on one hand and the employees of the government on another hand. The major reason is not to prevent a situation of making government a judge in its own case which will go against the principle of public policy. In most cases, the reverse is the case. The agent or agents acting on the order of government cannot contract on its behalf and government is not willing to be bound by such agreement. Also, government is right to play a regulatory and mediatory role in collective agreement. Non strike clause is imputed in the agreements but government is not willing to implement agreed terms in order to avoid the strike situation. Hence, its inefficiency and insensitivity resulted in the increase of industrial dispute in Nigeria (Vanguard Newspaper, 2011)

Kester (2006) states that the implication of government's action with respect to not honouring the principle of collective bargaining and implementation of agreements is that there are industrial disputes and work stoppage in the Nigerian economy at every effort to address or adjust wages over the years because wage determination policy in Nigeria is not effective and definite. Dauda (2002) asserts that the machinery of industrial relations in Nigeria has proved particularly handicapped in dealing with industrial disputes. The success or failure of a system of industrial relations can only be measured by its efficiency in resolving industrial disputes; and the drastic reduction of labour input in the industrial environment especially in the public sector and cross border movement is of required knowledge; workers here are greatly affected by the bargaining power of employers in the developing countries.

Ogunniyi (1991) posits that Collective bargaining experts emphasize the need to weigh the union's demands carefully. The mistake most often is that government/management enters the negotiations without understanding the financial impact of their proposals. The process of collective bargaining recognizes bargaining items. This implies that labour law has set out categories of specific items that are subject to bargaining; these are mandatory, voluntary and illegal items. Mandatory bargaining items include wages, hours, rest periods, layoffs, transfers, benefits and severance pay. Voluntary or permissible bargaining items are neither mandatory nor illegal; they become part of negotiations only through the joint agreement of both management and the union. Neither party can compel the other to negotiate over voluntary items. One cannot hold up signing a contract because the other party refuses to bargain on a voluntary item. Furthermore, benefits for retirees might be an example as well as



illegal bargaining items, however, they are forbidden by law. For instance, clause agreeing to hire union members exclusively would be illegal in a right to work in a state.

Also, under Nigeria labour law, the most important step in the collective bargaining procedure is for the employer or the employers within the bargaining unit relate to the terms and conditions of employment. Section 24 of the Trade Unions Act provides that for the purposes of collective bargaining, all registered unions in the employment of an employer shall constitute an electoral college to elect members who will represent them in negotiations with the employer. The next step is for an agreement to be drawn up to determine how the negotiations will be conducted, the composition of the machinery and other procedural matters. And once a trade union has been recognized and a recognition agreement is drawn up between the parties, bargaining can then proceed as provided by law. In this regard, the wages Board and Industrial Councils Act 1980 provides for three bargaining fora in Nigeria. The three fora have the earning of appropriate wages and enjoying conditions of service as their main objective. Bargaining can be effective by industrial Wages Boards, National Wages Board and Area minimum committees or by Joint Industrial Councils.

Adesina (2012) affirms that in accordance with Article 2 of the International Labour Organization (ILO) Convention No. 154, the principle of collective bargaining is the process of determining conditions or terms of employment, regulating relations between the employer and the workers, regulating between the employer and the workers union. In addition, collective bargaining principle is the machinery for discussion and negotiation; whether formal or informal, between the representatives of employers and those of the workers; which are meant at reaching mutual agreement or understanding on the general employment relationship between the employer(s) and the workers. The conclusion and agreement are necessary determinants of collective bargaining, thus the labour Act of 1974 defines collective bargaining as the process of arriving at or attempting to arrive at a collective agreement.

## **THEORETICAL FRAMEWORK:**

The debate on wages is most likely as old as the study of the subject of political economy. Ever since labour has been identified as a means of production by Adams Smith; the cost and importance of labour has been a subject of a lot of academic analysis. The Marxist theory of surplus value for example explains labour to be entitled to a fair share and must thrive to have a fair share of the value of any commodity produced. Thus, the wages of labour are just fractions of the surplus appropriated by the owners of capital and land. To this extent, there cannot be a value put on wages that can adequately compensate the working class.

Adam Smith's economic theory of labour and wages that had formed the foundation of much of political economic thoughts from the 16<sup>th</sup> – the 19<sup>th</sup> centuries was adopted for this work to analyse the pre-eminent position in the development of political economy. Thus, David Ricardo's theory of wages as developed from the population theory of Thomas Malthus stated that beyond self interests; market price of labour would always increase when availability of labour decreases and vice-versa; which points to the fact that when there is population increase within the workforce, there would be a corresponding reduction in the cost of labour vis-à-vis what is required for sustenance or subsistence.

Karl Marx argued in his labour theory of value that the value derived from production is created by labour and Marxist argued that while very insignificant portion of the value is paid to the workers, the capitalists retains the lion share of the value as profit and there is conflict unlike the wage theory which is line with argument that workers are always kept at a subsistence level by employers. The wage-to-funds theory as discussed by Adam Smith and David Ricardo argued that the cost of labour is dependent on the amount of capital available i.e. the (working capital) and the size of labour force; consequently, wages would fluctuate depending on the size of the wage funds alongside the number of workers and besides, the capital dedicated to pay for labour is fixed, of which there is unsuccessful legislation on labour cost or wages.

The researchers posit that there are various agreements on the impact of the increase in wage on employment and national Gross Domestic Product (GDP). In the instance of Nigeria, the increase in wages might not necessarily meet the deserved impact on GDP even as it does significantly affect consumption. This is because the pattern and nature of consumption in Nigeria and many other third world nations is very high on foreign goods such as imported rice or smuggled rice as the case may be; a situation whereby wage increases improves the GDP of producer nations and not consumer nations as argued by the Marxist. The marginal productivity theory of labour as put forward by John Bates Clark and Phillip Henry Wick steed holds that employers engage more workers only when the productivity of the last workers employed attains the cost of hiring new ones which of course is more of predictive theory as it is a guide to long time planning; and the Residual-Claimant theory of wages as propounded by Francis. A walker posits that wages of labour are what remains after all expenses like rent, interest and profit as well as other costs that are determined by situations outside the immediate industrial environment.

According to International Labour Organization, ILO (2009), the elements to be taken into consideration in determining the level of wages based on the economic theory of labour and wages include:

- a. The needs of workers and their families while taking into account the general level of wages in the country, the cost of living, social security benefits and the relative living standards of other social groups;
- b. Economic factors such as the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment as well as how high the wage should be treated as a country's specific issue.

Davidson (1989) puts forward the Bargaining theory of wages which states that bargaining for wages is determined by the unions and the employers who collectively negotiate the take home along with the conditions, in other words, working conditions and wages are determined by the bargaining power of the employer and the employees in which the employer has a greater bargaining power because they are better at taking a unified position and can also withstand loses for a long period than the workers under the union. Davidson insists that the determination of wages is a very complex process involving many interests who came together to establish a position based on their bargaining power and relative advantages. The bargaining theory of wages is attractive to workers because it justifies the existence of unions like Academic Staff Union of Universities (ASUU). Furthermore, this theory argued that there is no single dominant factor to determine wages; and single rate for some jobs may not necessarily be enforced. However, wages can exist with upper limit of maximum wage or with lower limit of minimum wage; all of which are influence by many factors applicable to the other theories which points to the productivity of workers, the competition for the jobs, the capital outlay, the funds set aside for

labour, the expansion standard of living etc. By and large, the theory emphasizes that workers are better in bargaining collectively than individually. Nevertheless, certain instances show that some individuals were better off when they bargain individually.

At this juncture, it is not out of place to accommodate the conflict theory; meant to complement John Davidson's theory of wages. Thus, the conflict theory has its roots in the works of Engel and Karl Marx. Thus, Marx's Sociological perspective which was hinged on social conflict began with assumption of class distinction and conflicts as features of society. Accordingly, the history of all hitherto existing societies are as that of class conflict. Therefore, the industrial relations atmosphere as it affects collective bargaining processes and implementation of agreements from conflict perspective shows that there exists element of suspicion and antagonism between the employers and the employees due to what Marx described as the desire to undo one another by each of the parties (Dahrendof, 1976).

This explains why successive Nigerian governments do not consider consultation with workers' union and do not also consider the compliance to collective bargaining principle necessary, especially when it comes to wage determination, funding and improved working conditions; hence government is seen as an instrument of class domination by her methodology of autocratic leadership through lack of sincerity in fulfilling numerous agreements that were reached rationally through collective bargaining process with the Academic Staff Union of Universities, ASUU (ASUU 2009). For instance, most recently, government officials have refused to exempt ASUU from the Integrated Payroll Personnel Information System (IPPIS) payment platform; even though they had agreed to do.

In this work, the researchers would evaluate and reveal the intrigues involved in negotiations based on collective bargaining technique amongst ASUU labour leaders and Federal Government officials in arriving at agreements to be implemented adequately in good time in order to boost university education towards the attainment of global high standard and by extension, the uplift of the educational sector in line with UN's Sustainable Development Goals (SDGs) No. 4 being the attainment of quality education by the target date of the year 2030.

### **Collective Bargaining between ASUU and the FGN Vis-à-Vis the Non-Implementation of Agreements by the FGN and the Corresponding ASUU Strikes**

The researchers posit that the non-implementation of various agreements reached between the Federal Government of Nigeria (FGN) and the Academic Staff Union of Universities (ASUU) vis-à-vis the application of collective bargaining mechanism during negotiations which had resulted into incessant ASUU strikes over the years rest on the assertion that there is inadequate funds to drive University education and by extension, the entire educational sector of the Nigeria economy, which in itself is tied to poor budgetary allocation for the sector, having fallen below 26% of the total budget of a third world country like Nigeria as recommended by the United Nations (UN); UNESCO to be precise as against 7% or below of Nigeria's annual budget, often allocated to the educational sector, irrespective of increase in revenue generation into the federated account. Besides, most often than not, there is a shortfall in the funds released by the Federal Ministry of Finance to the Universities when compared to the budgetary allocation initially proposed by relevant authorities, thereby making it pretty impossible to deal effectively with the roles of universities in Nigeria such as the training of man power for the



Nigerian economy, nation building through the generation and transfer of knowledge to communities as well as the innovation, entrepreneurship and commercialization of research findings for generating income to the university and the national economy. Obviously, achieving these roles in the face of deliberate inadequate funds is a mirage, hence the need for government to step up the funding of Nigerian universities and grant them financial autonomy without further waste of time if the attainment of Sustainable Development Goals (SDGs) No. 4: Quality education by the target date of the year 2030 is anything to go by.

Again, the researchers affirm that when the very important role of generating income through innovations by Universities is encouraged by government, the universities could use the funds generated from such innovations as Internal Generated Revenue (IGR) to augment the funds disbursed to the universities by government through the Ministry of Finance and this will go a long way to surmount the challenges confronting the universities. However, there is no gainsaying the fact that successive Nigerian governments have found it very challenging to provide the required funding for the effective running of the universities owing to some factors which includes corruption, foreign and local debts burden, fluctuating revenue earnings, expansion of other social demands and responsibilities on the Nigerian state amongst others. Consequently, Nigerian universities are facing heavy deterioration in the process of teaching and learning with regards to poor research facilities, overcrowded classrooms, dilapidating infrastructure and weak research as a result of poor funding. All the above brings to mind the need for government to apply genuine approach in pushing for collective bargaining technique during the process of negotiations. Perhaps at this point, there might be the need to review another set of literature on negotiations via collective bargaining principle in order to drive the point home; in other words, to drum the message loud and clear before diving into the crux of the matter with regards to non-implementation of agreements by the federal government and the corresponding ASUU Strikes as follows:

Iyayi (2010) states that collective bargaining consists of negotiations between an employer and a group of employees via a union to determine the condition of employment. The result of collective bargaining procedures is a collective agreement. Employees are often represented in collective bargaining by a union or other labour organizations.

Dessler & Varkkey (2013) posit that collective bargaining is the performance of mutual obligation of the employer and representatives of the employees to meet at reasonable times and confer in good faith to negotiate wages, hours and terms of conditions of employment; it is also the negotiation of an agreement or any quest arising there under and the execution of a written contract incorporated in any agreement reached if requested by either party. However, such obligation does not compel either of the parties to agree to a proposal or require the making of a concession.

Sloane and Witney (2007) assert that in collective bargaining process, the negotiating teams are crucial; both the union and the management are to send a negotiating team each to the bargaining table and the teams usually go into the bargaining session having done their homework; and subsequently, the union representatives will canvass the opinions of union members of their desires, while the representatives of the employer will report to their principal and later, while armed with feedback, return to the round table for further meeting with their counterpart, being the union representatives, for onward negotiations until an agreement is reached.

Dessler and Varkkey (2019) state that actual collective bargaining typically goes through several stages; first, each side presents its demands; as both parties are usually quite far apart on some issues. Secondly, there is a reduction in demands. Here, each side trades off some of its demands to gain others. Thirdly, the sub-committee studies the demands, form joint sub-committees to try to work out reasonable alternatives. Fourth, the parties reach an informal settlement and each group goes back to its sponsors. The union representatives check informally with their superiors and their co-union members; while the management/government representatives check with top management staff/head of government. Finally, once everything is in order, the parties fine-tuned and sign a formal agreement.

Again, Iyaji (2010) states that, due to the interventionist tendencies of government in Nigeria industrial relations; where issues are dictated by political interest and considerations, the beauty of collective bargaining as a means of economic, social, ecological, demographic and technological stabilization is not yet appreciated by government.

Nevertheless, moving into the crux of the matter, it is interesting to note that during the 1999/2000 FG – ASUU negotiations, it was agreed that from 2001, the federal government would allocate 26% of Nigeria’s annual budget to the educational sector, in line with UNESCO declaration for third world countries, with an upward review from 2003 and that half of this budgetary allocation would go to tertiary education. However, when the 2001 budget was announced and the funds allocated to the sector did not reflect in the budget, negotiations resumed in earnest and promptly broke down due to the disrespect for the principle of collective bargaining by government. Hence, ASUU commenced industrial action. Subsequently, the government approached ASUU with a proposition of an informal agreement to stop the strike until more formal negotiations could be completed.

In 2002, ASUU declared industrial action on issues related to funding of Universities and also sought the reinstatement of 49 sacked lecturers at the University of Ilorin as a result of a crack in the wall with respect to collective bargaining during the negotiation process.

In 2003, ASUU embarked on strike against the non-implementation of previous agreements with regards to poor university funding, the disparity in salary and issues surrounding retirement age as well as government’s attempt to change the framework of collective bargaining by way of making the union negotiate with the University Governing Council within each institutions across the country based on the approval of the university autonomy Miscellaneous Provision Amendment Act, 2003. The federal government appointed representatives to negotiate on its behalf without a mandate to sign the agreements reached in previous negotiations against the principle of collective bargaining (Okuwe and Campbell, 2003: 298).

Nevertheless, ASUU resumed negotiation with government; pulled out from the negotiation process and continued the strike after only one week. To this end, an agreement which offered a 22% salary increase for university employees was signed on 30<sup>th</sup> June 2001; and there was further assurance of university autonomy. However, shortly, after that, the authorities of the University of Ilorin, under pressure from government, dismissed 49 ASUU members who have refused to break the strike prior to the June, 2001 agreement and subsequently, government attempted to remove ASUU’s right to collective bargaining with regards to the 68 million dollars from a World Bank loan aimed at improving educational standards in the universities. In fact, the cancellation of central collective bargaining process, the introduction of outrageous fees in the Universities, the

dismissal of 49 University of Ilorin lecturers and the World Bank loan of \$68 million under the controversial World Bank project etc led to series of strike actions in 2002 and 2003 respectively (Odiagbe, 2012).

In view of the continuous disregard for collective bargaining technique, ASUU went on strike for three months in 2007; and in 2008, the union held one week warning strike to press for a range of demands including an improved salary scheme and reinstatement of 49 lecturers of the University of Ilorin who were dismissed in 1998. In June, 2009, ASUU asked its members nationwide to embark on indefinite strike over disagreement with the federal government vis-à-vis collective bargaining breach on an earlier agreement reached with the union, thus, after three months of strike, ASUU signed a memorandum of understanding with the government in October, 2009 and called off the industrial action.

Prior to the last ASUU strike in 2009, the National Executive Council (NEC) of the Union met from Thursday 29<sup>th</sup> November to Thursday 1<sup>st</sup> December, 2011 at the University of Port Harcourt to review amongst other things, the level of implementation of the 2009 FG – ASUU agreement; and the extent of compliance with the 2011 ASUU – FG memorandum of understanding (MOU) on the implementation of the previous agreement of 2009 to do away with government’s unilateral dissolution of university Governing Councils, the dialogue on institutional accreditation amongst others; but the lack of understanding during negotiation between the two parties led to an indefinite strike by ASUU which lasted for 59 days. However, it was later called off on the 1<sup>st</sup> of February, 2012. Unsatisfied with negotiation process with the federal government, ASUU again went on a warning strike on August 2012 (ASUU, 2014).

**Table 1: ASUU strikes in Nigeria (1994 – 2017)**

S/N	Name of Union	Year of Strike	Duration of Strike
1.	ASUU	1994	6 months
2.	DITTO	1995	5 months
3.	DITTO	1996	6 months
4.	DITTO	1998	5 months
5.	DITTO	1999	5 months
6.	DITTO	2001	3 months
7.	DITTO	2002	2 months
8.	DITTO	2003	6 months
9.	DITTO	2004	3 days
10.	DITTO	2005	1 week
11.	DITTO	2006	3 months
12.	DITTO	2007	1 week
13.	DITTO	2009	4 months
14.	DITTO (South East)	2011	5 months, 1 week
15.	DITTO	2012	3 months
16.	DITTO	2013	6 months
17.	DITTO	2017	1 month, 6 days

Source: ASUU website: [www.asuunigeria.org](http://www.asuunigeria.org)

Government has attitudinal indifference towards collective bargaining, for example, in Nigeria, it is seen that government at times speaks from both sides of the mouth in the effort to embracing collective bargaining process with Academic Staff Union of Universities (ASUU) especially, with regards to the 2009 agreement which is meant to finding a lasting solution to the union's demand. However, part of the agreement reached has been met by the Federal Government (FG) in 2021, but other substantive issues, particularly infrastructural development and financial autonomy are still issues of disagreement. In 2017, the federal government set up a team to renegotiate 2009 FG-ASUU agreement. This indicated that collective bargaining has no finality in the sense that it adapts itself to changing economic, legal and social environments. Thus, it can vary largely from organization to organization and between and within unions (ASUU, 2018).

According to Musrai (2017) what one can deduce from the foregoing discussion between ASUU and Federal Government is that the state is employing coercive power or coercive apparatus to drive collective bargaining as in the case of ASUU vis-a-vis Integrated Payment Personnel Information System (IPPIS) registration rather than the use of persuasive technique. This implies that government has no commitment towards collective bargaining and this attitude is not an effective mechanism for resolving conflict in industrial relations.

In another development, the indifference of government towards collective agreement reached with ASUU in 2009 was demonstrated by the decision of President Muhammadu Buhari to review the agreement which is seen by many as consistently inconsistencies by successive governments. Well, an agreement was reached after negotiations with respect to conditions of service for university lecturers, funding of universities, university autonomy and academic freedom; as well as issues that require legislations to implement. Unfortunately, the administration set up a team to renegotiate the 2009 FG – ASUU agreement, in 2017.

In 2009, the non-commitment on the part of the Nigerian government to collective bargaining with labour was demonstrated in the ASUU/FGN face-off. It would be recalled that the Onosedede-led Federal Government's team; when it got to the stage of signing the agreement with ASUU, the government backed out. This led to ASUU strike and of course, the closure of academic activities for about four months. It took the effort and pressure of well meaning Nigerians to convince the Nigerian government to return to the negotiating table to renegotiate and subsequently signed an agreement with ASUU but again, in 2010, ASUU embarked on a five months strike over non-implementation of the 2009 FG-ASUU agreement. By June 2013, ASUU also embarked on a nationwide strike which lasted up to five months on the ground that the 2009 FG-ASUU agreement and revitalization of Universities with 1.3 trillion naira over the years had not been fulfilled as earlier promised; however, considering the history of Nigeria industrial relations, particularly between the Federal Government of Nigeria (FGN) and the Academic Staff Union of Universities (ASUU), one may conclude that failure to implement agreement has been a dominant factor in the industrial conflict (ASUU, 2013).

In line with collective bargaining principle, the Federal Government of Nigeria in November 2012 set up an eleven-man committee on needs assessment of Nigerian public universities chaired by Prof. Mahmood Yakubu with representatives from the Federal Ministry of Education (FME), National University Commission (NUC) and Academic Staff Union of Universities (ASUU); and was asked to carry out the following amongst others:

- i. Carry out a detailed appraisal of existing physical facilities for teaching and learning in the Universities, particularly their capacity and functionality.
- ii. Give a detailed inventory of learning resources, regarding their relevance and serviceability
- iii. Compile the number of teaching staff by academic qualification and programme, indicating whether they are engaged on full-time, part-time or adjunct bases.
- iv. Compile a list of full-time students in each programme (undergraduate as well as postgraduate) across all levels; identify the number of institutions, students and programmes involved in part-time and approved affiliations.
- v. Identify the number of non-campus hostels in each university and categorize them by ownership and capacity vis-à-vis the student population.
- vi. Give the status of municipal facilities in each university and requirements for their provision, upgrade and maintenance.
- vii. Examine any other matter which in the opinion of the committee is relevant to the revitalization of the universities.

At the end of a brainstorming exercise, with respect to the needs assessment, the committee came up with these findings among other things:

- i. Less than 10% of the universities have video conferencing; Information Technology (IT) facilities.
- ii. Less than 20% of the universities use interactive boards.
- iii. More than 50% of the universities do not have public address system in their overcrowded lecture theatres.
- iv. Internet services are epileptic and slow in 99% of Nigerian universities.
- v. Most Nigerian universities rely heavily on part-time and visiting lecturers.
- vi. Most Nigerian universities are grossly under-staffed.
- vii. Numerically, there are more supporting staffs in the services of Nigerian universities than the teaching staff they are meant to support.
- viii. There are horrible hostel facilities, overcrowded and overstretched laboratory as well as poor laundry facilities, poor sanitary conditions etc, (ASUU, 2012).

ASUU is saying that government must invest in the revitalization of federal universities. The amount spent on universities is too paltry when compared to what other countries like South Africa spend for the same purpose. Government has reneged; all the agreements which it signed with ASUU in the past; and ASUU is simply saying that government must honour the agreements which it voluntarily entered on revitalization and funding of university education. Ever since the beginning of the renegotiations of ASUU – FGN 2009 agreement in 2017, the government's side has shown an uncanny for duplicity in an attempt to dodge its responsibilities. Government has shown no serious commitment whatsoever to invest in education; hence, three years after its inauguration, the Babalakin committee has not completed the singular task of renegotiating the 2009 ASUU-FGN agreement due to dirty antics from the side of government and accordingly, reasons adduced for not implementing agreements between FGN and ASUU include among others, the paucity of funds, blame game by successive governments, administrative bottlenecks, increase in government expenditure. Aside these, lack of political will, insincerity on the part of government, corruption in government at all levels and more importantly, leaders of government are



ignorant of the cost of running a university system which has been the bane in implementing already reached agreements (ASUU, 2013).

According to the national chairman of ASUU, Prof. Abiodun Ogunyemi in 2017; ASUU will negotiate with government's team based on the principle of collective bargaining, if government's offer does not satisfy the demands of the university lecturers.

The researchers posit that in the year 2020, ASUU embarked on a 9 months strike to press for the implementation of the 2009 FG-ASUU agreement with respect to University autonomy vis-à-vis the rejection of the Integrated Payroll and Personnel Information System (IPPIS) payment platform but to no avail as government had refused to exempt ASUU from the payment platform, even though at the end of negotiations, it agreed to do so. Of course, without missing words, it is obvious that the behaviour of government on this matter is tantamount to betrayal of trust in industrial relations.