

ASUU Struggles: A Historical Discourse under Military Rule and Democratic Regimes in Nigeria

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Article History

Received: 26.04.2018

Accepted: 07.05.2018

Published: 30.05.2018

DOI:

10.21276/sjbms.2018.3.5.1



Abstract: The year 2018 marked the 40th anniversary of the founding of the ASUU. As has been seen, during these forty years, Nigeria had experienced a great deal of political and societal unrest, and by any standards the history of the ASUU has been an eventful one. The formation of ASUU came at a time when the oil boom in Nigeria was beginning to decline and when the country was faced with the consequences of the failure of its rulers to utilize oil wealth to support production and a credible welfare system. Military dictatorship had become institutionalized and had eroded many fundamental freedoms in the society. ASUU's establishment in 1978 was mainly driven by the need to address the deterioration of education in the country especially under the military rule but the timing of the formation of the union is also indicative of the fact that it emerged into what was already a highly politicized environment. The paper is a review and an opinion based which assesses the relationship of ASUU with Military and Democratic regimes vis-à-vis the government education policies and the application and or respect for institutional autonomy of universities by various regimes in Nigeria. The paper found that ASUU struggles remained and continue to feature irrespective of the different regimes in Nigeria. It also concludes based on available historical records that the military regimes have had a more preponderance of abuse of universities administrative autonomy in comparison with democratic regimes.

Keywords: ASUU, Democracy, Military, Nigeria, Struggles.

INTRODUCTION

By 1978, the first Nigerian oil boom was coming to an end, and it became apparent that very little of this wealth had been directed into establishing a social welfare system in the country. Academics, therefore, felt that NAUT's docility was no longer acceptable, and a more independent, militant and proactive union was needed in order to push for meaningful change in the educational system. At that time, the funding of education including the universities started to decline rapidly while the military rulers diverted state funds towards unproductive ventures. When the military took over the political scene shortly after independence in 1960, the status of university lecturers was very high, comparing favorably with that of top military officers and top civil servants; the students had good accommodation and other teaching facilities as expected. With time, the military era eroded the university lecturers' freedom and the nation's resources were mismanaged to the detriment of higher education in Nigeria. Academic autonomy and university freedom were also, arguably, casualties under the military rule. All these factors informed the formation of ASUU, and the Union's determination to resist the oppressive and undemocratic policies. ASUU

as a body was thus established with the following as its core objectives:

- Regulation of relations between academic staff and employers and between members;
- Establishment and maintenance of a high standard of academic performance and professional practice;
- Establishment and maintenance of just and proper condition of service for its members; and
- The protection and advancement of the socio-economic and cultural interests of the union [1].

University Autonomy under Military and Civilian Regimes

From the start ASUU was a more politically focused union than its predecessor. Osoba [2] recalls that the formation of ASUU was ignited; in particular, by the repressive measures taken by the Obasanjo military dictatorship in 1978 following the Uthman Mohammed Commission report on the "Ali must go" students' protest. During this protest, ASUU abandoned the NAUT's more conciliatory approach and took a more militant position. The union's first assignment was to resist the federal government's usurpation of the disciplinary functions of the University Governing Council. This was the beginning of the inclusion of the

issue of university autonomy in the union's disputes. The military rulers, both at the federal and state level had started to wield their control over the universities by appointing their surrogates to Vice Chancellor positions regardless of established institutional procedures [3]. Consequently, academic freedom and due process became compromised while forms of internal repression became the order of the day on campuses. Matters regarding the appointment, promotion and discipline of academic staff became the exclusive preserve of the Vice Chancellor.

With funding structures in disarray and academic freedom compromised, many expatriate and Nigerian professors left the country [4], leaving the country's academic infrastructure severely depleted. As a result, ASUU became an increasingly radical organization, fighting not only for the basic rights of its members, but also for the very existence of a meaningful higher education system in Nigeria [5]. It was at this time that the organization developed the wider influence in Nigerian society. Thus, between 1982 and 1986, ASUU had integrated its struggles with those in the wider labour movement as evidenced in the ASUU merger pact with the NLC. Through the union's membership of the NLC, ASUU started to engage in high profile debates on all major issues in the country. These developments reached a pinnacle under the presidency of late Festus Iyayi [6] and Atahiru Jega [7, 8] when the then military President, Ibrahim Babangida, in an effort to stamp out ASUU, disaffiliated the union from the NLC in 1988.

The Military Rule

Since the formation of ASUU in 1978 up until 1999 and the transition to a democratic regime, the prolonged military rule helped to lay the foundation and shape what has now become a crisis of nationhood which affects not just Nigerian universities, but the entire country as a whole [10]. Nevertheless, the years of military rule violated the academic freedom and administrative autonomy which the statutes establishing Federal and State Universities conferred on them. According to Jega [3] they sought to control the university system and in the process virtually destroyed it'. First, the military made attempts to establish control over universities by directly appointing Vice Chancellors who were seen to be representatives of their interests. The result was the removal of institutional freedom and due process and a form of autocratic rule became institutionalized on many campuses [3]. A union member in university from Bayero University Kano contents:

The military regime eroded university autonomy by Decree No.23 of 1975 when the federal government took over regional universities. Before then, the power to appoint the Vice Chancellor was the sole responsibility of the Governing Council. The Decree No 23 removed the power to appoint Vice Chancellors from

the Governing Council and vested the power on the Head of State or the Visitor to the universities. The military government even imposed sole administrators in some universities to take over the functions of the Vice Chancellor, Senate and Governing Council when there were situations of unrest or conflict. For example, in 1995, Major General Mamman Kontagora, a military officer at that time was appointed as sole administrator of Ahmadu Bello University, while Prof. M.I. Isokun was appointed as sole administrator of AAU Ekpoma in May, 1997.

There have also been numerous cases of undue direct interference in university administration according to a union member from Ahmadu Bello University. For example, in 1978, the federal military government interfered with the powers of the senate of the University of Ibadan by requiring the Senate to explain why so many students failed in the 1977/78 academic session. Subsequently, in 1980, an internal dispute between the Vice Chancellor of the University of Lagos and six professors resulted in all of them (and the registrar) being fired by the government, without due process. Both directly, then, in the form of straightforward interference, and indirectly, through the appointment of Vice Chancellors beholden to the government, University campuses came to mirror the wider political situation in Nigeria. Thus there were a number of cases where Vice Chancellors took the law into their own hands, and acted dictatorially toward staff members, with the support of the government. For example, in 1994, at the University of Abuja the then Vice Chancellor sacked over thirty five lecturers with the support of the military government of the General Sani Abacha regime. In this particular case, the Vice Chancellor had vandalised the houses and property of staff adjudged to be disloyal to him, disobeyed court orders, and forced an oath of allegiance on all academic staff, amongst other actions. Similar events were recorded in Ogun State University where the Vice Chancellor was alleged to have dismissed over 200 academic staff without due process, especially those who were believed to be critics of his administration. Some Vice Chancellors even went to the extent of inviting armed police to their campuses to prevent student demonstrations (as, for example, happened at Ahmadu Bello University on 22nd of May 1986 under the Vice Chancellorship of Ango Abdullahi). Egbokhare [11] captures the spirit of these developments:

Vice chancellors appointed by the government do not feel accountable to their constituents. They are often dictatorial, corrupt and tend to misappropriate scarce resources. Because they lack popular support, they introduce ethnic and religious politics into university administration. Some vice chancellors promote cults as underground security outfits and they employ such cults to perpetrate crisis when it appears expedient. Others subvert senate and university organs.

According to the union's account, between 1992 and 1998, the Federal Military government also unilaterally appointed a new figure – the 'sole administrator' – on the following institutions: University of Nigeria Nsukka (UNN), Federal University of Technology (FUT) Minna, University of Maiduguri, Ladoke Akintola University (LAUTECH) Ogbomoso. The decrees that introduced sole administrators dissolved the governing councils of these institutions and vested all powers of decision making on the sole administrator who acted with the combined roles of the Senate, Council and Vice Chancellor. Matters relating to the appointment, promotions and discipline of staff members were under the direct control of the sole administrators with no regard for established due process. Predictably, there are also reported cases where university resources meant for capital expenditure was misused through inflated contracts and dubious projects approved by sole administrators with the approval of the military governments [3]. At this time, both academics and students repeatedly went to court to seek redress for perceived violations of their human rights. In many of these cases, the courts seemed helpless, due to the frequent annulment of jurisdictions by military decree [3].

The Democratic Regime

In response to the need for institutional autonomy in Nigerian universities, and following the return of the democratic dispensation, ASUU sponsored a bill at the National Assembly known as the Universities (Miscellaneous Provisions, Amendment) Act 2003. The bill spelt out, among other things, the provisions for autonomy, university management and reorganization in Nigeria. Key features of the bill included the restoration of the administrative powers of the governing council over the affairs of the university, as well as the powers of the senate on academic matters. It also outlined a participative role for students in certain aspects of the university governance process. This bill was passed by both houses of the National Assembly on the 3rd day of July 2003 and was signed into law by the then President Olusegun Obasanjo on the 10th of July 2003. The two new sections introduced by this act clearly spell out the autonomy of Nigerian universities:

2AA - *The powers of the council shall be exercised, as in the Law and Statutes of each University and to this extent establishment circulars that are inconsistent with the Laws and Statutes of the University shall not apply to the Universities*

2AAA - *The Governing Council of a University shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the university*

It is the view of the union members that the aim of these provisions is to free the Universities from the control of the state and to enable the Council to exercise its powers and carry out its functions without undue external influence or interference. The other provisions of this amendment Act are implicitly or explicitly aimed at fulfilling these objectives and will be discussed as the section progresses. On the face of it, these provisions represent a victory for ASUU yet, as the cases discussed below will demonstrate, in practice the conflict over political control of the Universities has continued into the new 'democratic' era.

a) The Appointment of Vice Chancellor: One of the issues that have been particularly disputed by the ASUU is the power of the Visitor to appoint Vice Chancellors. Section 4 of the Amendment Act thus states that:

The Council shall select and appoint as the Vice Chancellor one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor.

ASUU had particularly condemned the arrangement whereby the Visitor appoints one name from a list of three candidates nominated by the University Council for Vice Chancellorship because, in practice, the role of the vice chancellor has often been relegated to that of control and supervision on behalf of the government.

It is clearly improper for government to appoint Vice Chancellors and impose them on the academic communities in clear violation of one of the most cherished principles of university administration and its code of conduct. It is equally improper for government to appoint its own nominees to Councils of the Universities established under laws, whether decrees or edicts, enacted by it, and then proceed to usurp the powers of these councils by arrogating to itself the right to discharge the legal responsibilities of the university councils in relation to the appointment, disciplining and removal of their staff [12, 13].

Asuu as a union adds:

Under the provisions of the Universities (Miscellaneous Provisions Amendment Act, 2003, the President of the Federal Republic of Nigeria has no role in the appointment of the Vice Chancellor of a university. The President is only meant to be informed of any appointment according to the Act. The President is a visitor to the university, and as such there is a distinction between the powers of the president and the powers of the visitor for the purposes of university administration; the powers of the President are intended to be used under separate circumstances and conditions from those exercised as a visitor. In this

case, the Minister of Education manipulated the recommendation of the Governing Council to the President in favor of Prof Uza. So we have written to the Governing council of the University of Agriculture to revisit the appointment as the whole procedure is null and void [14].

Similar cases have occurred in Rivers State University where the governor (Rotimi Amaechi) unilaterally imposed a vice chancellor to the university which resulted into serious crisis. A visiting professor from University of Benin gave an example of a disputed appointment in his University in 2013 where he cites:

There was breach of selection procedure in the recent appointment of the UNIBEN VC. I gathered that he was earlier rated 7th, but was catapulted to the 3rd position and his name was included among the three names recommended to Council. During the final selection process, the 1st and 2nd candidates were denied the position and the 3rd candidate was appointed. How can you explain that? This appointment by the council demands an explanation. This is an academic environment and things ought to be done by merit. Council meetings are now like conclaves or supreme courts where judgments are pronounced as if they cannot be appealed. This is totally unacceptable - ASUU member [15].

These examples show that even amongst council members, patronage in the selection process plays out through appeals to higher political authority. In another example of apparently politically motivated appointments, the then Vice Chancellor of the University of Nigeria, Nsukka (UNN) was accused of manipulation in the determination of his successor who was believed to be his kinsman.

These cases introduce the wider question of ethnicity and nepotism in the Nigerian university administration. The Nigerian higher education sector and indeed the entire political landscape in Nigeria have been deeply influenced by the politics of ethnicity and religion. The selection of university officers is not meant to be influenced by ethnic, religious or political considerations. The council's appointment of a Vice Chancellor is expected to be based on merit. The decision of a university council in appointing a Vice Chancellor based on kinship or political considerations can be (and in many cases has been) challenged in a court of law because their decision is not final and unquestionable [16]. Moreover, though the visitor does not have the right of appointment, he has the power to appoint, remove or dissolve the University Governing Council according to the law or due process. But where the Visitor and Council members are conniving to appoint their own preferred candidates, the question of administrative autonomy still hangs in the balance.

b) The Removal of Vice Chancellors: In the same way that the University Miscellaneous Provisions (Amendment) Act of 2003 provides for the appointment of a Vice Chancellor, it provides also for the removal of a Vice Chancellor. Section 3, subsection 8 of the Act provides that:

The Vice Chancellor may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.

There have also been cases of removal of Vice Chancellors which can be observed especially in local state universities. Two recent cases in particular stand out: the case of the University of Ado-Ekiti (UNAD) in Ekiti State and that of the Ambrose Alli University (AAU) in Ekpoma, Edo State. In Ekiti State, the Visitor (i.e. in this case the State Governor) removed, in 2011, all three Vice Chancellors of the state-owned universities. The biggest of these universities is the University of Ado-Ekiti (UNAD), where the former Vice Chancellor was relieved of his duties by the Governor of the State and the Visitor of the University. The UNAD chapter of ASUU decided to challenge the removal of the vice chancellor by the State government in the court of law. According to a press conference given by the Chairman the union decided to take up a legal challenge against the state government in the face of these events. The union opined that:

The removal of the VC is not our business, but the process of that removal is what we are challenging in Court. In removing a substantive VC, there are laid down rules, which we thought the government breached and this we are challenging to restore sanity and orderliness into the process.... The litigation is targeted at smoothing rough edges and perceived mistakes in the removal of the former VC. ASUU Chairman [17].

c) The Removal of Staff Members: The violation of administrative autonomy is not only limited to the appointment or removal of Vice Chancellors according to a union member from University of Ilorin. He explained that university lecturers are affected by the seeming arbitrary powers exhibited by the government, in most cases, in concert with their close allies in the Universities. The most high profile of such cases historically was that of the removal of forty-nine lecturers of the University of Ilorin by the Vice Chancellor for participating in a nation-wide strike which was called by the ASUU in 2001. After a series of strike actions seeking to reinstate the sacked lecturers (as well as appeals by the Yoruba Council of Elders to the then President, Olusegun Obasanjo), the union members at the UNILORIN branch resorted to litigation. Five of the 49 lecturers approached the court to seek redress on behalf of their colleagues. On July

26, 2005, the Federal High Court, Ilorin ruled that the termination of the appointment of the lecturers was without fair hearing and thus was “illegal and unconstitutional.

Thus the action of the university was declared “null and void” and the court ordered their immediate reinstatement. However, the university exercised their right of appeal and challenged the judgment at the Court of Appeal sitting in Ilorin, Kwara State. The court overturned the decision of the High Court and declared that the university had acted in order in sacking the 49 lecturers because the university authority claimed that they were involved in examination malpractice. The court of appeal maintained that the lecturers were not sacked for their taking part in the strike. After about eight years and 10 months, the circuitous battle came to a close on December 2009 when the apex court, the Nigerian Supreme Court, ordered the immediate reinstatement of the 44 lecturers (the other 5 already been reinstated by the same court) and ordered the payment of all their entitlements with effect from February 2001, the date of their illegal disengagement. In summary, administrative autonomy has to do with the internal governance of universities with respect to administrative matters. Principal issues of concern to the union are the procedures involved in the appointment and removal of the Vice Chancellor and the constitution of other administrative offices, e.g. the Senate, the Governing Council and the role of the Visitor. Under military rule, Nigerian universities did not enjoy administrative autonomy as military dictators interfered strongly with the affairs of the universities, clearly subverting the powers of the Senate and University Councils and imposing sole administrators in some institutions. Following the return of a democratic regime, the union sponsored a bill which among other things was meant to introduce safeguards into the governance processes of universities.

CONCLUSION

Although the Universities Miscellaneous Provisions (Amendment) Act 2003 clearly asserts the autonomy of Nigerian universities, what seems evident in practice is the continued violation of the underlying principles of autonomy and a preponderance of lawlessness and arbitrariness in many universities especially during the military rule. This is particularly with respect to the appointment and dismissal of Vice Chancellors and members of University staff. Thus, while administrative autonomy has been granted to Nigerian universities on paper, in practice it remains precarious. What can be seen, in all of this, is the extent to which the politics of control within Universities themselves come to appear like those of Nigerian politics more widely; thus local battles against Vice Chancellors and others unilaterally imposed by the state become a mirror of a wider democratic struggle within Nigeria. This is a further reason why ASUU dispute has

come to be understood as involving political as well as economic questions.

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