

CONFLICT MANAGEMENT AND THE RULE OF LAW: A CASE OF ASUU INDUSTRIAL ACTION IN NIGERIA (2015 – 2018)

EKEKWE, EZINWANNE¹ & IYIANI, C. CHRISTIAN² IBENEKWU, IKPECHUKWUKA^{3*}

- 1. Social Science Unit, School of General Studies, University of Nigeria.**
- 2. Department of Social Works, University of Nigeria, Nsukka**
- 3* Institute of African Studies, University of Nigeria, Nsukka.**

3* Corresponding Author ikpe.ibenekwu@unn.edu.ng

ABSTRACT

In Nigeria, industrial conflict or action has remained a recurrent trend in many organizations, especially governmental organizations. This is because of the poor remuneration, wages, motivations, entitlements, rewards and other welfare packages given to workers in the organization. Workers perceived poor attention to their agitations and flagrant neglect of the rule of law has remained at the heart of these industrial conflicts. In Nigeria, the Academic Staff Union of Universities' strike is seen as a festive and annual event with serious jeopardy to academic activities. Industrial actions therefore cause low productivity in an organization. The research work relied on the frustration- aggression theory to examine the industrial conflicts between the Academic Staff Union of Universities (ASUU) and the Federal Government of Nigeria. It was discovered that ASUU and the Federal Government industrial conflict has been lingering because of government nonchalant attitude towards the demands of ASUU. It was also discovered that the panels set to resolve the conflict have not been upholding the principles of the rule of law which made the situation to be more precarious. The researcher also found out that this conflict has serious negative effects on the students, lecturers, and the country at large. It was observed that none of the conflict resolution techniques including; negotiation, mediation, arbitration, adjudication were consistently maintained in resolving the matter. A recourse to some of these principles were advocated.

Keywords: Conflict, Conflict management, Conflict resolution, Rule of Law, Industrial action

INTRODUCTION

In all the procedures or techniques for Conflict Management in every human endeavour, the rule of law remains the panacea for the restoration of peace and tranquility. Conflict management or resolution and the rule of law are concepts or variables that remain inseparable in the field of social sciences. In conflict management or resolution, the principles of rule of law must be upheld; otherwise, sustainable labour harmony will not be achieved. In this research work, the correlation between conflict management and the rule of law shall be emphasized on, especially as it involves the industrial conflict existing between Academic Staff Union of Universities (ASUU) and the Federal Government of Nigeria (FGN). Since the existence of man, conflict has been inevitable whether as individuals, groups, small or heterogenous society. Being unavoidable, the occurrence is not the problem but the management. Coser in Odo & Onuoha (2006:2) defined conflict as a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralize, injure, or eliminate their rivals. This shows that conflict could be very dangerous if not properly handled or managed. According to Odedele & Egotanwa (2006:28), conflict is said to be violence when it is not settled and leads to war. For example, the civil war in Nigeria between 1967 and 1970. This war caused a great damage to both human material resources of this country. Many people were killed and a lot of properties were damaged. The civil war occurred as a result of lack of co-operation among Nigerians. Also, they moved further and mentioned some activities that are correlated to conflict which include; fighting, killing, kidnapping, murder, dupes (embezzlement), etc. conflict reflects a determined action or struggle over a goal, which may be overt or subtle, manifest or imaginary (Aja Akpuru-

Aja, 2007:14). Conflict could also be seen as a disagreement among two or more rival groups who pursue various interests or goals. Conflict sometimes appears to be natural because whenever two or more persons or groups are gathered to achieve a goal, there must be clash of interest which will eventually lead to conflict if not controlled. Conflict is not restricted to African countries alone – it has a global trend. The only difference is that the root causes, consequences and approaches in the management of violence and conflict may be quite different from that of other continents because of environmental difference ranging from poverty, illiteracy, ethnocentrism, etc (Onwe in Odo, 2006: 19).

As we earlier noted, conflict could be spontaneous and inevitable but what matters is how it is managed whether in developed, developing and/or underdeveloped countries. The management of conflict is a very useful subject matter considering the fact that it is a vital part of social life and endemic in personal, interpersonal and inter-group relations. The ability of individuals and groups to manage conflict in order to forestall the escalation is crucial to social development. Every society is in dynamic interaction and in all civilized societies; there is growing resort to peace and stability (Odo, 2006:108). No matter the level of conflict; tractable or intractable, the application of the principles of the rule of law is always very important in conflict management and its resolution.

It is based on this background that this study seeks to investigate the cause of the industrial conflict between Academic Staff Union of Universities (ASUU) and the Federal Government of Nigeria and to proffer solutions. Industrial conflict is not only peculiar to ASUU and federal government. Since the colonial era till date, there have been a lot of recorded industrial conflicts in the Nigeria Labour market. For instance, the Aba Women Riot of 1929 was as a result of some obnoxious actions and policies of the British Imperialists which brought about assessing the taxable wealth of the people living in the village including women. And this was believed that counting of women was a plan for them to start paying taxes. This resulted to a serious conflict between the women and the British government and/or their representatives. In 1964, there was a general strike carried out by the United Labour Union over non-implementation of the revised salary structures. Workers demonstrated their grievances in the streets of Lagos and some labour leaders were tortured in the process by the police. Also, in 1976, the Murtala/Obasanjo regime banned Nigeria Labour Congress (NLC) and banned labour leaders that were perceived as being radical, that is, Wahab Goodluck, Imoudu, etc from partaking in trade union activities (Ogbette, et al, 2017: 3). Therefore, the ASUU and federal government of Nigeria industrial conflict was not the first in Nigeria. The issue of ASUU industrial conflict or action has been very old in Nigeria, but our investigation covers 2015 – 2023 and how the conflict can be managed applying the rule of law.

THEORETICAL EXPOSITION

The theory adopted to guide this research work is called “Frustration-Aggression Theory”. The Frustration-Aggression theory also known as Frustration-Aggression hypothesis is a theory of aggression proposed by John Dollard, Neal Miller, Leonard Doob, Orval Mowrer, and Robert Sears in 1939. The theory states that frustration often leads to aggressive behaviour. The exponents of this theory maintained that the occurrence of aggressive behaviour always presupposes the existence of frustration. They further suggested that aggression does not occur without any form of prior frustration, and the assertion that “frustration always leads to some form of aggression” implies that aggression is a certain outcome of any frustration. Frustration produces instigation to aggression but this is not the only type of instigation that it may produce (Miller, Sears, Mowrer, Doob and Dollars, 1941: 339).

This theory is adopted to guide this research work because the theory best describes the situation of the industrial conflict between ASUU and the federal government. Here, it should be understood that when there is a conflict, two or more actors are involved which could also be described as major or minor actors. The major actor is the one that frustrates whereas the minor actor is the aggressive one. So, the proper analysis here is that the federal government is a major actor who frustrates and the minor aggressive actor who embarks on strike or industrial action is ASUU. In this context, we can state that the federal government being the major actor can stop ASUU aggressiveness by applying good conflict management and resolution techniques and maintaining the principles of the rule of law.

CONCEPTUAL CLARIFICATION CONFLICT

The term 'conflict' as a concept in the field of social science does not have any sophisticated definition. Conflict can be seen as a dispute or disagreement that can occur among individuals or members of a group, organization, community or society. It is an unhealthy interaction that has to do with struggle for interest among rivals. According to Hansfied in Odo (2006: 21), conflict is a breakdown of normal activities of an organization in such a manner that the individual or group involved experience disharmony in working together. This shows that conflict does not in any way encourage co-operation in an organization which automatically leads to disintegration. Conflict could also be referred to as overt behaviour that results from a process in which members of an organization perceive that their goals are incompatible with goals of other members and in which they perceive the existence of the same opportunity for interfering with the other members achieving their goals. Thus, we say that conflict is a disturbance upsetting the balance or equilibrium of an organization (Amujiri, 2010: 93). Oboh and Enabunene (2009: 159) opined that conflict is associated with many negative outcomes, including decreased performance, decreased cohesion, and decreased satisfaction, sabotage, physical aggression and other organizationally dysfunctional consequences. Conflict can be understood in many dimensions and interpreted differently depending on the context of such explication. According to Ezenwaji (2002: 63), conflict is important for social change and formation of complex societies. Conflict is not always dysfunctional but leads to changes which most often at the long run become beneficial to the groups concerned, new ideas are learnt; culture transmitted; shortfalls corrected; weaknesses strengthened; loopholes exploited; and progress ensured. The emphasis here is that not all conflicts are negative, especially if managed and resolved on time before its escalation.

CONFLICT MANAGEMENT AND RESOLUTION

Conflict management is the process of preventing an already existing dispute or disagreement from escalation. Conflict management has to do with a strategy being adopted by the committee set in order to ensure that such crisis does not cause any more damage but progress to resolution. According to Aja Akpuru-Aja (2007: 35), conflict management is a process and spans the full spectrum of early warning system, peace keeping, peace enforcement and post-conflict confidence building measures. Oboh and Enabunene (2009: 164) agree with Aja Akpuru-Aja's opinion. They posit that conflict management represents a process embracing three types of activities: conflict prevention or peace promotion and consolidation; conflict control abatement and conflict resolution.

CONFLICT RESOLUTION

In a normal process, conflict management leads to conflict resolution. As we noted earlier, conflicts that can only be managed are called intractable conflicts whereas conflicts that can be resolved are called tractable conflicts. This shows that there is a difference between conflict management and conflict resolution. Conflict management has to do with preventive or controllable measures but the conflict resolution aims at ending the conflict permanently. According to Miller in Odoh & Onuoha (2006: 109), conflict resolution is "a variety of approaches aimed at terminating conflicts through the constructive solving of problems, distinct from management or transformation". When the causes of conflict are identified and addressed, it may result in the resolution of a particular conflict. Conflict can be resolved using the following techniques; negotiation, mediation, arbitration and adjudication.

NEGOTIATION – In negotiation, the parties involved in the conflict come together on round table discussion and try to resolve the problem by themselves. Aja- Akpuru-Aja opines that negotiation is non-violent and out of court mechanism for enhancing the communication flows between the conflicting parties in a bid to resolve differences by mutual consent. The central element of negotiation is the recognition and use of dialogue as the supreme strategy of conflict resolution, and by extension conflict management. In both law and strategy, negotiation identifies with an Alternative Dispute resolution (ADR) means.

MEDIATION – Here, a third party is involved in the case. Mediation comes when negotiation fails. The inability of the conflicting parties to settle the dispute attracts the presence of a mediator who serves as a bridge between the two parties and must act on the ground of neutrality.

ARBITRATION – Arbitration takes the processes of negotiation and mediation which is the involvement of a third party. But the difference is that the arbiter is an authoritative mediator. In arbitration, a committee can be involved as an arbiter who also poses and acts as a judge. The arbiter is selected on the consent of the conflicting parties who also agree that the decision of the arbiter will be binding on them. The authoritative decision of the arbiter is called award but remains a subject to acceptance or rejection.

ADJUDICATION – Adjudication is the highest and last stage of conflict resolution. Both arbitration and adjudication involve a judicial setting. However, while arbitration goes by the consent of the parties to abide by the decisions as awards, adjudication hands out its rulings based on evidence before the court of law and of a competent jurisdiction. What is binding in the court of law is no appeal to consent, but completely legal (Aja Akpuru-Aja, 2007: 49). In adjudication, the winner takes it all and the loser goes with nothing. Adjudication only comes when all other techniques have failed.

RULE OF LAW

The term “Law” can be defined as the rules and regulations, principles, ethics, norms, cultures and traditions that guide the conduct of people in a particular state or society. Law can also be seen as an order or directives which could be written or unwritten for the purpose of maintaining or promoting peaceful co-existence and development in the society. Any society or state that does not have any law will always be in a state of anarchy and chaos, that is, lawlessness and confusion. Therefore, rule of law simply means when there is total adherence to the provisions of the law. It means obedience to the law. It is a situation where the citizens obey what the law says. The law is said to be supreme when it is seen as the number one and well respected. According to Prof. A. V. Dicey (a Briton), a professor of English law, who developed and popularized the phrase “Rule of Law” in his book titled “Introduction to the Law of the Constitution”, published in 1885, those entrusted with the administration of a country should rule or exercise their authority in accordance with the established laws of the land, and as such established laws should be regarded as supreme.

PRINCIPLES OF THE RULE OF LAW – There are three major principles of the rule of law. They include:
Supremacy of the law
Equality before the law (impartiality)
Respect to the fundamental human rights

SUPREMACY OF THE LAW

The supremacy of the law is one of the principles which emphasizes that the law is number one and above everybody. It means that the law is a respecter of nobody no matter your social, economic or political status.

EQUALITY BEFORE THE LAW

The principle of equality could also be regarded as principle of impartiality. It emphasizes that everybody is equal and must be treated equally before the law. There should be no injustice or discrimination but justice must and should prevail.

RESPECT TO THE FUNDAMENTAL HUMAN RIGHTS

This principle states that the fundamental human rights must be respected if truly there is rule of law. The fundamental human rights form part of the law or constitution and must be respected and defended as well. For example, right to life, right to religion, right to the dignity of human person, etc.

CAUSES AND MANAGEMENT OF CONFLICT BETWEEN ASUU AND THE FEDERAL GOVERNMENT OF NIGERIA

Academic Staff Union of Universities (ASUU) was formed in the year 1978, a successor of the National Association of University Teachers formed in 1965 and covering academic staff in all of the federal and state universities in the country. The union was active in struggles against the military government during the 1980s. In 1988, the union organized a national strike to obtain fair wages and university autonomy (Nwala

in Ogbette, etal, 2017: 3). Since the existence of ASUU, the union has always embarked on industrial action in almost all the regimes/administrations.

According to an agreement document between ASUU and the federal government (2009), ASUU embarked on a strike because of the federal government refusal to fulfill ASUU's demands or conditions which include;

- i. To reverse the decay in the university system, in order to reposition it for greater responsibilities in national development;
- ii. To reverse the brain-drain, not only by enhancing the remuneration of academic staff, but also by disengaging them from the encumbrances of a unified civil service wage structure;
- iii. To restore Nigerian universities, through immediate massive and sustained financial intervention and;
- iv. To ensure genuine autonomy and academic freedom.

To add to this, according to PUNCH Newspaper (5th May, 2023), ASUU still struggles with federal government over many demands including the inability of the federal government to fulfill their agreement, introduction and the continued use of the salary payment platform; Integrated Personnel Payroll Information system (IPPIS) and the refusal to adopt the Universities transparency Accountability Solution (UTAS). It should also be noted that since 1999 till date, ASUU has embarked on industrial action (strike) sixteen (16) times (PUNCH News, 5th May, 2023). From 2015 to 2023, it is about four (4) times, they are embarking on strike, that is, 2017, 2018, 2020 and 2022. That of 2022 lasted for about nine (9) months.

Another strike might be looming because of government's non-response and non-implementation of their resolution in a meeting with the Minister of Labour and Employment (Chris Ngige) which made them to call off their recent strike. Still in PUNCH News, it appears that the Federal Government has deceived ASUU because it has not fulfilled any of the promises it made to ASUU. The Federal Government of Nigeria has also intentionally boycotted or avoided the implementation of the items in the agreement it had with ASUU. This is because of nonchalant attitude and some elements of mediocrity or non-professionalism. Federal government has also intentionally avoided the good conflict management and resolution techniques like; negotiation/dialogue, mediation, arbitration and adjudication. Even the principles of rule of law; supremacy of the law, equality or impartiality and respect to the fundamental human rights, etc were not applied. This shows that the federal government is not ready to solve the problem that led to the ASUU strike.

THE IMPLICATIONS AND NEGATIVE EFFECTS OF ASUU INDUSTRIAL ACTIONS

In Nigeria today, ASUU strike is seen as a festive and annual event with serious jeopardy to academic activities, students and staff welfare. The major implication to this industrial action is that it is gradually becoming an intractable conflict. This has drastically rendered Nigerian universities incapacitated and can only produce half-bated graduates who are seen as mediocre in the international community. In fact, Nigerian universities now have the qualities of glorified secondary schools with teacher (lecturers) who are intentionally marginalized, oppressed and/or tortured by the government. Academic activities can no longer take place inside most of the universities due to dilapidated buildings, laboratories, libraries, among others. Therefore, the implication and negative effects of the incessant industrial actions by ASUU are summarized as thus:

- i. Dedicated students have lost hope in education.
- ii. The students and the lecturers are becoming intellectually weak.
- iii. Nigerian universities are now seen as glorified secondary schools.
- iv. Nigerian graduates are ranked very low in the international community as mediocre.
- v. Nigeria is becoming academically underdeveloped as experienced lecturers are now travelling abroad for a better pay.
- vi. The national income/revenue is drastically affected because education does not generate money again and lecturers must be paid

RECOMMENDATIONS

From the research carried out; the cause, problems and implications of ASUU industrial actions have been found. Thus, the following recommendations:

- i. Federal government should adopt the principles of the rule of law in handling the issue of ASUU.
- ii. ASUU and Federal Government should uphold the conflict resolution techniques as discussed in this paper.
- iii. Federal government should consider ASUU members as human beings and increase their remunerations and entitlements to a reasonable extent at least like other countries of the world.
- iv. Both parties should always put into consideration the future of the Nigerian youths.
- v. There should be a conducive learning environment in Nigerian universities.
- vi. There should be provision of well-equipped laboratories in all universities.
- vii. Prompt payment of salaries and wages to ASUU and NASU, etc.

CONCLUSION

The importance of conflict management and application of the principles of the rule of law in conflict resolution can never be overemphasized. This paper has tackled the issues of conflict management and the rule of law especially as it concerns the industrial conflict between ASUU and federal government of Nigeria. The causes of the problem have been discovered and solutions proffered. On that noted, the federal government of Nigeria and ASUU are therefore expected to uphold the recommendation made so far to enable the country attain unprecedented heights; academically, socially, economically, politically and otherwise.

REFERENCES

- Aja Akpuru-Aja (2007). *Basic Concepts, Issues and Strategies of Peace and Conflict Resolution*, Keny and Brothers Ent. (Nig.) Enugu.
- Amujiri, B. A. (2010). 'Strategies for Effective Conflict Management and Resolution in Local Government' *Nigerian Journal of Public Administration and Local Government*, XV, (2).
- ASUU and Federal Government Agreement Document (2009). Available on www.goggle.com.
- Ezenwaji, I. U. (2002). *Traditional Administrative System in Nigeria*, Institute for Development Studies, University of Nigeria, Enugu Campus.
- Johannes, B. & Milte, E. (2017). Frustration-Aggression Theory. Available on www.goggle.com/Frustration-Aggression Theory/meaning/origin.
- Oboh, J. & Enabunene, S. (2009). "Management of Organisational Conflict: A Theoretical Focus" *Nigerian Journal of Public Administration Review*, Ebonyi State University, Abakaliki, 1 (2).
- Odedele, M. O. & Egotanwa, M. C. (2006). *Basic Facts in General Social Studies*, Elites Commercial Agency Ltd, 105 Upper New Market Road, Onitsha, Nigeria.
- Odo, S. I. & Onuoha, J (2006). *Peace and Conflict Studies in Africa*, Jones Communications Publishers, 22 Edinburgh Road, Enugu.
- Ogbette, et al (2017). 'Causes, Effects and Management of ASUU strike in Nigeria' *Journal of Research and Development (JRnD)* 3(3).