

**NEC AT THE USMAN DAN FODIO UNIVERSITY {UDUS} SOKOTO, JULY 10-11, 2004**

**COMMUNIQUE OF THE NATIONAL EXECUTIVE COUNCIL (NEC) OF THE ACADEMIC STAFF UNION OF UNIVERSITIES (ASUU) HELD AT THE USMAN DAN FODIO UNIVERSITY {UDUS} SOKOTO, JULY 10-11, 2004**

The meeting of Academic Staff Union of Universities (ASUU) NEC, attended by all branches, discussed exhaustively the state of the Union and the State of the Nation.

**STATE OF THE UNION**

**1. The IAP Award: Federal Government Continued Violation of the Law**

The Trade Disputes Act, 1976 states that if notice of objection to an award of an arbitration tribunal is given to the Minister within seven days from the notice of the IAP award by or on behalf of either party to the dispute, the Minister shall forthwith refer the dispute to the National Industrial Court, whose award shall be final and binding on both parties [(Section 13(1)). NEC noted that ASUU submitted to the Minister of Labour and Productivity a NOTICE OF OBJECTION on March 31, 2004, the same day the Union obtained the award through its own initiative.

NEC observed, however, that over three months after ASUU submission of NOTICE OF OBJECTION, the Federal Minister of Labour has failed to refer the matter to the NIC as required by the Trade Disputes Act.

This means that the Federal Government is disobeying the Laws of the land which it should protect and is thereby encouraging lawlessness in the land.

NEC resolved to mobilize all its members for a renewed, invigorated struggle for justice.

NEC will reconvene at the end of August to review the situation and act as appropriate.

**2. The Review of the June 30, 2001 FGN-ASUU Agreement**

NEC urged all members to remain united and steadfast in the Union legitimate struggle for the review of the 2001 Agreement, which is already due for renegotiation. All branches are to begin immediately a serious mobilization towards ensuring that the Agreement is duly reviewed as required by Chapter 7.7 of it and universally recognized norms of collective bargaining. NEC calls upon the Government to avoid further delay and begin the negotiation immediately, in the interest of the University System and the country.

**3. The University Autonomy Act: National Universities Commission (NUC) Manipulation**

(i) NEC noted that on July 3, 2003, the National Assembly enacted a law THE UNIVERSITIES (MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT 2003, which, among other things, makes for the autonomy, management and reorganization of Universities in Nigeria. This enactment was preceded by a public hearing.

(ii) NEC observed that on July 10, 2003, Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria, assented to and signed the same Act passed by the National Assembly one week earlier.

(iii) NEC, however, observed, with great dismay, that the Federal Government is, through the National Universities Commission, making desperate efforts to nullify the law by (a) pretending

that the Act was never passed, and (b) presenting to the National Assembly an Autonomy Bill.

(iv) NEC further observed that this manipulation is intended to make into law provisions that violate democratic governance, university autonomy as universally recognized, academic freedom, constitutional and trade union rights, and allows government to abdicate its responsibilities for the education of Nigerian youths.

NEC therefore urged the National Assembly to refuse to be used to destroy the University system and democratic governance in our Universities. NEC urges all Nigerians who have a stake in the survival of our education system to cry out and halt the on-going abuse of the legislative process which can only enthrone authoritarian rule in our Universities.

#### 4. University of Uyo, Uyo (UNIUYO)

NEC expressed serious dissatisfaction with the continued sack and harassment of the Chairman of the University of Uyo Chapter of ASUU. Specifically, NEC is dissatisfied with the role of the Vice-Chancellor in the termination of the employment of the Chairman of UNIUYO ASUU, despite an undischarged Court injunction. NEC is thoroughly embarrassed especially in view of the Vice-Chancellor having been victim of a similar injustice during military rule, at the University of Abuja. NEC therefore resolved that all branches should write to the Vice-Chancellor of UNIUYO to protest the unjust treatment of the Chairman of ASUU UNIUYO Chapter.

#### 5. Michael Okpara University of Technology, Umudike (MOUA)

NEC condemned a sponsored threat to the Chairman, ASUU, Michael Okpara University of Technology Branch, meant to intimidate him and the Branch in their struggles for the legitimate entitlements of their members. No amount of intimidation will deter ASUU leaders from defending the interests of their members. The Assistant Inspector General of Police, Zone 9, is called upon to defend innocent citizens at MOUA.

### STATE OF THE NATION

#### The Economy

1. NEC observed that in spite of the ideology of NNEDS, the level of poverty of the majority in Nigeria is actually on the increase as wealth continues to be concentrated in a few hands.

Amidst deepening poverty, unemployment is on the rise, and corruption is thriving, social welfare institutions, health care, education have continued to decay. Life has become more nasty, more brutish and much shorter for the majority of Nigerians. Now that the ideal of a cut-throat economy is being forced on Nigerians, there is need to compel a reversal.

2. The new economic programme, like its parent, SAP, is not a programme for developing the productive base of Nigeria economy. It is a programme of taking from the people to pay to international money-lenders debts which we can not pay for the next hundred years. It violates the Constitutional provision that the state shall pay the leading role in the economy, and makes nonsense of the egalitarian provisions of the Constitution. It is a strategy for debt payment, not a programme for development.

3. Democracy: NEC noted that among the chief factors obstructing the free, democratic development of Nigeria are that:

(i) Nigeria sovereignty has largely been lost due to the surrender of our economy and national security to the save powers that control the IMF and the World Bank (i.e. US, Britain, France,

etc.);

(ii) there are intensified poverty, large-scale insecurity everywhere, and a weakening of faith in the country. The ruling government abhors the welfarist economy and has shown an extremely weak commitment to social welfare;

(iii) Nigeria rulers have no credible programme for building fraternal communities. The government handling of the crises in Warri, Plateau, Kano, Kwande, etc engenders more, not less antagonism among peoples;

(iv) the Niger-Delta problem receives no solution satisfactory to the people themselves, the victims of severe deprivation;

(v) there is steady doubt about the depth of Federal Government commitment to the Constitution and the Rule of Law;

(vi) the Federal Government is intolerant of dissent and opposition;

(vii) politics have been practiced only as competition for accumulation of wealth;

(viii) the people have lost faith in the ballot box;

(ix) the ruling class does not believe in democratic elections; it specializes in election rigging;

(x) there is in operation an ideologically biased equation of democracy with the rule of private interests and the market.

## 2. The Sovereign National Conference (SNC)

(i) In view of the weighty evidence, backed by Nigerian and International bodies, of overwhelming rigging in the 2003 elections, the argument that the 2003 elections conferred no genuine mandate from the people has a lot of weight. What we have is either no mandate at all or a seized mandate. It can not serve as the basis of a sound argument against a SNC. However,

(ii) The call for a Sovereign National Conference (SNC) should not be reduced to a Conference of ethnic nationalities. It must not be hijacked into a negotiating forum for power sharing among ethnic wings of Nigeria ruling class, and must not be used as a device for keeping the present government in power (as was foiled by the Human Rights Movement under Babangida).

(iii) Nigeria needs a genuine national movement outside the ruling political parties; a movement that will defend the interests of the oppressed peoples of all nationalities, return to class politics, re-organize Nigeria to become a strong, viable, united country and reclaim our peoples sovereignty, from imperial powers in Europe and America which use the IMF, World Bank, WTO, GS etc. as instruments of subjugation. Without a patriotic struggle for independence, the ruling class will continue to use the major part of our wealth to pay debts to

money lenders for at least 100 years. The movement must support the struggles of the oppressed peoples throughout Africa, the Middle East and Latin America for freedom from imperial domination. A Sovereign National Conference will yield powerful results only to the extent that it will help our people make a significant progress in achieving goals of national liberation.

The Bill for An Act to Amend the Trade Unions Act

NEC observed that

- (1) the Bill is a legal-political weapon meant to kill resistance to the oppressive and punitive economic policies to which Nigerians will continue to be subjected for the next few years and beyond; it is meant to keep workers supine while Nigeria continues to be plundered by finance capital;
- (2) the proposed Bill can not promote democracy. On the contrary, it will have the effect of destroying virile trade unionism in Nigeria. A virile trade unionism is necessary for democracy even though Nigeria government does not seem to believe this;
- (3) the Bill violates ILO Conventions by subjecting workers freedom of association to the discretion of a Minister and by removing, in effect, the right of workers to strike;
- (4) anyone who believes that democracy can survive in a country with a strong central Federal Government cannot rationally, seriously, or credibly believe that a Central Labour organization is undemocratic;
- (5) if we Nigerians allow our right of association to be given and taken as any ruler wishes, there will be no democracy in Nigeria;
- (6) the proposed Bill must, therefore, be rejected by all Nigerians who believe in freedom and democracy. The National Assembly must be seen to defend democracy, not cripple it.