

ASUU NEC, at its last meeting held January 26-27 at the Anambra State University, Uli, resolved that if by Friday, February 15, 2008, there is no satisfactory progress toward reinstating the UNILORIN 49 as promised by the Visitor to the University of Ilorin as conveyed by the letter from the Permanent Secretary, Ministry of Education, 26th June, 2007, ASUU branches would embark upon a one-week warning strike.

Sunday, 17 February 2008

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1 (a) The FGN-ASUU Implementation Committee on the 2001 Agreement established that the affected staff were at the time of termination actually on National Strike directed by the National Executive Council of ASUU, and that the University Authorities in their various communication, took due notice of the fact. It recommended that the action of the university

should be reversed, in line with the non-victimization clause of the FGN-ASUU Agreement of June 30, 2001. (September 6, 2001, letter from the Implementation Committee Chairman, Professor Ayo Banjo, to the Minister of Education). (b) On the basis of this, the Minister of Education, Dr. Babalola Borisade, wrote to the President of the Federal Republic of Nigeria and Visitor, University of Ilorin, seeking his approval to recall the affected lecturers. (FGN/ASUU 2001 Agreement: An update of the case of the University of Ilorin, 14th September 2001 to Chief Olusegun Obasanjo). 2. The Federal Government Committee on Politically Victimized Students and Lecturers (2002) also recommended the reinstatement of the 49, having established that they were sacked for political reasons. 3. The NIREC (The Nigeria Inter-Religious Council) in 2003 established that the 49 were sacked in violation of the 2001 Agreement and recommended their recall. 4.

The International Labour Organisation (ILO) Freedom of Association Committee examined the case and asked the Federal Government to get the 49 lecturers reinstated (2004). Two other bodies that examined the case also recommended the recall of the UNILORIN 49: 1. The first was the RECONCILIATION Committee supported by the National Universities Commission, which was headed by Alhaji Animashaun President National Association of Parents and Teachers Association of Nigeria (NAPTAN) and; 2. Dialogue Team set up by the Minister of Labour, Alhaji Musa Gwadabe, with Alhaji Maitama Sule as Chairman. Despite all these interventions, the injustice at the University of Ilorin has been sustained. Prof. A.E. Annor, Prof. E.E. Adegbija, and Dr. Samuel Ajayi have died, unable to cope with the consequences of injustice done to them at the University of Ilorin. Others are still suffering from deprivation and lack of humanness on the part of those who wield power both at the University of Ilorin and in Government. Nigerian Universities were once fully international in their academic staff composition. Scholars from other African Countries, Europe, America and Asia found Nigeria an attractive place for their work.

This changed since the late 1980s for economic and political reasons. SAP and high handedness of governments drove scholars from other countries out of Nigeria. For some time, the Academic Staff Union of Universities has been making efforts to convince Nigerian and non-Nigerian scholars abroad to come back to join a national effort to reposition Nigerian universities to compete with the best in the world. But from their knowledge of the situation in our universities, they keep asking us why they should leave secure jobs in academically free environment for a country where governments do not fulfill agreements and collude with special interests to sustain injustice in the university system as in the case of the UNILORIN 49. ASUU's position on the matter has always been that the reversal of the violation of the non-victimization clause in the 2001 Agreement by the Governing Council of UNILORIN is within the power of the Visitor to the University of Ilorin.

ASUU as a union has no suit in the High Court or the Supreme Court in Nigeria. Our union has only taken the position that the Visitor should, because it is within the distribution of power in the university according to the statute, to ask council to reverse the wrongful termination of jobs in the University of Ilorin. This is why the Visitor directs Councils to act, correct mistakes, investigate, on all matters raised in Visitation Panel Reports on the Universities. The Visitors directives are mandatory, not advisory. Such is the Visitors power to direct Councils. This is why the Minister of Education, in 2002, asked the Visitor for approval to recall the affected staff at UNILORIN. It was the visitors (General Abdulsalami) intervention that reinstated the President of ASUU and other lecturers all over Nigeria in 1998. (General Abachas regime has sacked them in 1996).

The President, this time around, promised to address the problems in the Nigerian universities, including the case of UNILORIN 49. Government failure to resolve the problem of the UNILORIN 49 justly has had adverse consequences on the ability of the universities to maintain stable calendars. Our union has had to, within the past seven years, embarked upon industrial action to get justice done to the UNILORIN 49. No viable system can be erected on injustice in a democratic society. Justice and freedom are the very basis on which academic and intellectual traditions are built. We have been forced to defend the wrongful termination of the jobs of our colleagues at UNILORIN (for participating in a National Strike of our union) through industrial action, however painful. In June 2007, there arose another hope and opportunity, ASUU representatives met the in-coming President on how to resolve the issues in the nation-wide ASUU strike which began three months earlier.

On June 26, 2007, the same ASUU representatives met with an Ad Hoc Committee acting on behalf of President YarAdua, to formalize the discussions with the President on the conditions that should be met in order that ASUU would suspend its on-going strike. In a six point agreement, communicated to ASUUs President in a letter from the Permanent Secretary, Federal Ministry of Education, the first point was The University of Ilorin 49 lecturers sacked in violation of the non-victimization clause enshrined in the June 30, 2001 Agreement. This will be resolved in the process of an out-of-court settlement (FME/PS/629/C/VOL1/28). The public pronouncement of Mr. Presidents Special Adviser (Communication) Mr. Segun Adeniyi, gave not only ASUU but the entire public the confidence that the reinstatement of the UNILORIN 49 would be resolved by President YarAdua. This is what Mr. Segun Adeniyi told the public almost single-handedly, he (Yar Adua is now on the verge of resolving the contentious issues that led to the perennial ASUU strike with his last meeting with the lecturers ending 2 am Thursday Yar Adua, Obasanjo and the labour strike, The Guardian, Sunday June 24, 2007).

Following the letter of June 26th 2007, ASUU NEC, on June 30th, 2007, resolved to suspend its strike on July 1st 2007 out of respect for the incoming President, with the belief that, in accordance with the agreement, as Visitor to University of Ilorin, he would intervene to effect an

out-of-court settlement. NEC was, of course, of the opinion that it was best to presume initial trust of the incoming President, and hoped that the machinery would be set in motion for an out-of-court settlement. THE FGN-ASUU NEGOTIATION TEAM ON UNILORIN 49 The ASUU-FGN Negotiation Teams, with Deacon Gamaliel Onosode as Chairman, examined the case of the UNILORIN 49. This was considered a priority because of its importance for restoring stability in the university system.

The teams agreed that the case should be resolved by an-out-of-court settlement. This was conveyed to the Visitor to the University of Ilorin, President YarAdua in a letter of September 14, 2007. Unfortunately, the problem remains unresolved, for strange reasons. We have been told, for instance, that an out-of-court-settlement will be against the rule of law. We have explained, on our side, that out-of-court settlement is a normal legal process: The parties in dispute would meet and agree on terms of settlement. Having thus agreed, they would file their terms of agreement in court, and this agreement would become the courts judgment. An out-of-court-settlement therefore, would not violate the rule of law.

To be clear, the 49 academics went to court to seek their reinstatement. ASUU as a union did not. ASUUs case has been that Government has the responsibility of reversing the violation of an agreement. However, ASUU urged the out-of-court settlement as a compromise for two major reasons. First, the case in the Supreme Court would last, even on an accelerated hearing, up to four years, when our colleagues have suffered for seven years already and three of them had died! More, prolonged suffering would be injustice, as expressed in the popular diction Justice delayed is Justice denied. Some human beings are using state power to punish some Nigerian citizens the UNILORIN 49, unjustly, and they do not care how long it lasts. Second, our union is not willing to sacrifice justice to its members. The consequences of this problem lingering for even one year long are not desirable in the university system. Our universities need peace within an atmosphere of justice and freedom to be stable and to deliver the goods of teaching and research.

The persistence of injustice to the UNILORIN 49 will remain a problem in the system in the way of achieving this goal. These were ASUUs concerns in accepting an out-of-court settlement. ASUU has accepted it because it is in the interest of the university system and the country. We have tried to resolve the reasonableness and the justness of the proposal. The FG-ASUU Negotiating Teams had agreed on it since September 2008. The proposal had come out of an agreement between ASUUs representatives and representatives of the President on June 25, 2006. We have made our case to the public. We have complained to Mr. President himself about the broken promise. We have drawn public attention to the widely published letter from the Ministry of Education (26th June, 2007), the content of which is not being fulfilled. We have complained to the Senate and the House of Representatives, and to organizations and individuals and sought interventions on this issue. But 49 academics whose knowledge and

intellectual skills are needed to develop the university system are suffering from injustice and underserved humiliation.

In a twist of democratic values, power is being used to keep the weak suffering rather than to protect them. ASUU NEC, at its last meeting held January 26-27 at the Anambra State University, Uli, resolved that if by Friday, February 15, 2008, there is no satisfactory progress toward reinstating the UNILORIN 49 as promised by the Visitor to the University of Ilorin as conveyed by the letter from the Permanent Secretary, Ministry of Education, 26th June, 2007, ASUU branches would embark upon a one-week warning strike. Accordingly, since all efforts to get Government to make satisfactory progress in reinstating the UNILORIN 49 have been rebuffed, all ASUU Branches shall go on one-week warning strike between Monday 18 February 2008 to Friday 22 February 2008. ASUU appeals to all well-meaning Nigerian organizations and individuals, to prevail upon Government to resolve this problem now. Our union would not want another prolonged crisis. If one ensues, ASUU will not carry the responsibility for it.

Thank you. Dr. Abdullahi Sule-Kano