

## AN OPEN LETTER TO PRESIDENT UMARU YAR'ADUA

Written by Administrator  
Sunday, 30 August 2009 09:42 -

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We have read in some newspapers reports of your appeal to “our university lecturers” to go back to classrooms. You made this appeal presuming that lecturers are responsible for the current situation in which all the unions in the public university system are on strike. It is, of course, false that were ASUU not on strike all other unions would not be on strike. This neglect of the total situation has the consequence of concealing the true nature of the crisis that has left the public University system paralysed.

Dear Mr. President,

We have read in some newspapers reports of your appeal to “our university lecturers” to go back to classrooms. You made this appeal presuming that lecturers are responsible for the current situation in which all the unions in the public university system are on strike. It is, of course, false that were ASUU not on strike all other unions would not be on strike. This neglect of the total situation has the consequence of concealing the true nature of the crisis that has left the public University system paralysed.

It is important to correctly ascribe responsibility for the current crisis. The ascription of responsibility for this crisis depends on which human agents caused the crisis and have sustained it through their actions. Your appeal ought to be addressed to whoever is responsible for students' not being in the university at this time.

Mr. President, you are aware, that on December 2006, the Federal Minister of Education inaugurated an FGN/ASUU Renegotiation Committee to review comprehensively the 2001 Agreement on (i) Funding of Universities (ii) Conditions of Service, (iii) University Autonomy and Academic Freedom and (iv) Other matters.

Do you remember, Mr. President, that following a meeting between you and ASUU leadership, as you assumed the Presidency of Nigeria, the Permanent Secretary, Ministry of Education, wrote ASUU President, stating that the Government's Negotiating Team “shall be empowered to negotiate with ASUU within the principles of Collective Bargaining with a view to addressing the problems of the ROT AND BRAIN DRAIN in the University system and establishing internationally competitive standards” (Dr. Aboki Zhawa, Permanent Secretary, FME/PS/029/C.I/Vol.1/128 to the President, ASUU).

Do you know, Mr. President, that the leader of the Federal Government Team, Deacon Gamaliel Onosode, after an initial breakdown of negotiation, when ASUU questioned his mandate at the Negotiating table, on April 3rd, 2008, wrote to the President of ASUU, stating “I wish to confirm that in the context of the current negotiation I have the full mandate of the Federal Government of Nigeria to discuss and sign an agreement on the issues set out in items 1-4 on page 3 of your letter” [the items are the terms of reference referred to above] (NUC/ES/138/ XLIV/544).

Do you know, Mr. President, that, when the negotiation ended in December 2008 (two years after), in spite of his admission that he had the mandate to negotiate and sign an agreement with ASUU, your agent, Deacon Onosode, leading the Government Team, refused to sign the Agreement reached by both sides, claiming that he was acting on the instruction of his Principal?

Do you know that the existing framework of the 2006-2008 negotiation is in accord with the Labour Act Section 91, and that the composition of the Government Team is in accordance with the Cooney Commission's Recommendations, accepted and applied by Governments as the basis of Collective Bargaining in Nigerian Universities since the 1990s to date?

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Do you know, Mr. President, that the refusal by your agent to sign the Agreement in 2008 is a unilateral abrogation of the 2001 Agreement?

Do you know, Mr. President, that, contrary to the principle of collective bargaining, on July 10, 2009, Deacon Onosode, speaking on behalf of your Government, announced that negotiations were "to be concluded by individual University Councils"? Mr. President, is it not clear that this is a unilateral declaration of change of the framework of negotiation after negotiation had ended?

Mr. President, is it permissible in a game for a player to change the rules after the game is over and ask the other player to accept the changed rules whether they are legitimate or not?

Mr. President, do you know that there was no mention of percentages either as ASUU's demands or as the Government Team offer or as Agreement between the two teams at the negotiation table. Do you know that the Ministers of Education, Information and Labour told the country that ASUU demanded 109% increase in salary? We know that you are aware that neither side in a negotiation has the right, according to the principles of collective bargaining, to unilaterally impose an award on the other party? Did government not break this principle of collective bargaining when the Minister of Education announced a 40% take-it or leave-it award to ASUU? When, on July 10, 2009, the same Deacon Onosode, who had on April 3, 2007 declared that he had mandate to sign an agreement with ASUU pronounced that the Federal Government [i.e his principal] had taken a final position on the salaries of staff of Federal Universities, was that not an illegitimate repudiation of the mandate after the negotiation was over?

Mr. President, where did the 40% announced by the Minister of Education come from?

Certainly, not from the negotiation table. Why did the Government negotiate for two years if all that it wanted to do was to make an arbitrary award? Would any reasonable human being not infer from this that Government had taken ASUU for a ride for over two years or, alternatively, that some agents in government were bent on sabotaging the signing of the Agreement?

Mr. President, since neither Decree 11, 1993 nor the University (Miscellaneous Provisions) Amendment Act (2003) provides for financial autonomy, is it correct to rationalise the unilateral decision to terminate central negotiation by relying on the "University Autonomy and Academic Freedom" as set out in the University (Miscellaneous Provisions) Amendment Act (2003)"? Is any University Governing Council in Nigeria, in the present state of public universities and the Nigerian economic set-up, capable of generating the fund it needs to pay workers, finance teaching, research and infrastructural development? What then, is the significance of Autonomy or the 2003 Amendment Act in the current crisis? NONE!

Mr. President, do you know that in 1996, General Abacha terminated negotiation the same way and unilaterally referred ASUU to Councils? Do you know that this was abandoned when it became clear that it had worsened the crisis? Mr. President, should we repeat past errors?

Mr. President, do you know that on July 29, 2009, ASUU met with the Vice-President, on your directive, to find a possible window on the issue of state universities?

Do you know that:

- (1) it was found that the agreement reached with ASUU would not compel any State Government and that whatever suggested so could be resolved by editorial work?
- (2) the Minister of Education agreed at this meeting to identify any contentious issues and bring them to the negotiation table?
- (3) Negotiation was to resume on August 3 and end on August 14, 2009?
- (4) the Vice-President gave a period of two weeks to end the whole negotiation, with ASUU calling NEC to consider the issue of strike?

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Mr. President, would it surprise you that: on Monday 3rd August, the acting leader of the Government Team denied knowledge of the Vice-President's directive? On Tuesday August 4th, Deacon Onosode, resuming, said he knew nothing, about the meeting with the Vice President, even though the NUC Executive Secretary, who was at the meeting was sitting next to him? On Wednesday, August 5th, the Team took a day off during which Deacon Onosode would, with the Executive Secretary NUC meet with the Vice-President so as to be informed by the Vice President about his own directive. On Thursday, August 6th, Deacon Onosode told the meeting that his "authentic" principal had told him that the July 10, 2009 (unilateral) declaration was final. In short, even though the Vice-President had directed completion and signing of agreement within two weeks, after four days only, Deacon Onosode, on the prompting of his "authentic principal" refused to negotiate and sign the agreement with ASUU, insisting on the same unilateral declaration that he made on July 10,2009.

Please consider these, Mr. President

- (i) Deacon Onosode wrote ASUU that he had full mandate to negotiate and sign an agreement (April 3, 2007). Over two years later, he told ASUU that his principal told him not to sign and he refused to sign (July 10, 2009).
- (ii) Deacon Onosode's Principal changed the rules of a game after the game had ended, and tried to impose new rules to get the game replayed.
- (iii) The Ministers of Education, Information and Labour misinformed the unsuspecting public by substituting invented figures and claimed they were ASUU's demands.
- (iv) The Minister of Education and the Executive Secretary of NUC sabotaged the Vice-President's efforts to resolve the problem as agreed on July 29, 2009. This they did in collaboration with some other government functionaries.
- (v) The Minister of Education and Deacon Onosode unilaterally terminated negotiation-by declaring a final position on all the issues negotiated. (July 10, 2009).

In view of these, are you still in doubt, Mr. President, who should be held responsible for the Universities remaining shut? Why are all unions in the university, not just ASUU, on strike? You should not be in doubt. The reason is that Government has repudiated the Agreement reached with them.

Mr. President, the negotiation was meant to reverse the decay in the university system, stem the brain drain, in order to reposition Nigerian Universities for greater responsibilities in national development. The actions of those who unilaterally declared an end to the negotiation and sabotaged the Vice-President's directive have jeopardized the pursuit of these goals.

Mr. President, would the following not embarrass any society in which the rulers claim to aspire to attain the status of an advanced society by 2020, and which wants to attract its intellectuals/scholars back from foreign countries?

## ANNUAL SALARIES OF CERTAIN PUBLIC OFFICERS

Permanent Secretary, Executive Secretary, Chief Executive of Parastatal, Vice Chancellor	N22,051,154.30
<b>Professor</b>	<b>N3,859,078.60</b>
Federal high Court Judge	N26,875,840.00
Local Government Chairman	N13,865,895.30
Local Government Supervisory Councilor	N12,746,875.00
Federal House Member	N35,932,346.30

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Senator

N36,677,840.00

Mr. President, what would you say if you found that public funds are being used to hire thugs and touts to carry out demonstrations in the name of students, as happened recently in Owerri? Would you be surprised that some government functionaries for the sake of breaking a strike have been making desperate and dangerous efforts to exploit ethnic differences in a certain university, in a town already prone to ethnic-related crises, as in UNIJOS?

Mr. President, what is at stake is really that ASUU members are citizens, not slaves, ASUU insists on truth and honour in dealing with citizens. We said it before the Vice-President on July 29,2009 that negotiation and signing could end in one week. We stand by this position. Those who prefer to leave the university system in crisis instead of promoting industrial democracy, truth and honour are the ones who have refused to sign and have decided to abrogate agreements validly negotiated.

Mr. President, ASUU appeals to you, in the Spirit of Ramadan, to put an end to the sufferings of students, their parents (including lecturers); and the suffering of Nigerian academics who are victims of the debasement and vilification of intellectual labour. In the Spirit of Ramadan, ASUU appeals to you to consider millions of Nigerian children whose parents can not afford to send them abroad or to private universities in Nigeria when public universities would have collapsed by willful neglect. In the Spirit of Ramadan, let education not become a preserve of the rich and powerful. Let future generations benefit from the rise in academic standard, from the drastic reduction in the brain drain which the Agreement reached with ASUU would bring. Let the Agreement reached with ASUU and other Unions, after two years of patient and patriotic negotiation be signed. We wish you the best of the season.