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Industrial Courts and the Management of Industrial Dispute between Government and ASUU, 2009-2017

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Abstract

For over two decades now both the Federal and State government have at various time been involved in industrial dispute with the Academic Staff Union of Nigerian universities (ASUU) and which has become a recurring decimal in the country's citadel of learning. This paper examined National Industrial Court and the management of industrial dispute between Government and ASUU 2009-2017 with the objectives of identify the factors that trigger industrial conflict between Government and ASUU, discover the role of National Industrial Court in the management of Federal Government and ASUU disputes and ascertain the effect of Government and ASUU conflict on educational development in Nigeria. Data was collected through documentary and survey sources while purposive sampling technique was used to draw a sample size of twelve (12) discussants for a Focus Group Discussion. The quantum of data generated were analyzed using content analysis technique. The study found that non-implementation of agreements reached between government and ASUU, sabotage by university authorities who collude with government to sabotage ASUU, Poor salaries and infrastructure in the universities, failure of successive regimes to implement agreements it did not enter with ASUU because of the financial implications, are the cause of incessant industrial dispute between Government and ASUU. It was also found that negotiation and referral to National Industrial Court is the most powerful strategy in industrial dispute resolution, incessant Government and ASUU industrial dispute leads to; brain drain of professional teaching staff, affects student's academic performance, contributes to low quality of graduates and make students to resort to criminalities. The paper therefore recommends that every regimes in the country should endeavor to honour any agreement it entered with ASUU during their tenure instead of transferring such to their successor regimes, ASUU should use every legal means to compel any regime it entered agreement with to implement it during their tenure, the National Industrial court should make use of judicial independence to deliver unbiased judgement whenever ASUU and Government had dispute.

Keywords: Conflict, industrial dispute, industrial court, strike, brain drain

1. Introduction

A harmonious workplace that guarantees satisfaction of workers' and employers' aspirations is very essential for enhanced productivity. But when the interest of either or both of the parties involved in industrial relations is unsatisfied, industrial crisis becomes imminent. Ogunrinola (2012) alluded to the fact that a harmonious workplace that ensures that the workers' aspirations are considerably satisfied and the employer's expectations are relatively met is very paramount for high productivity. Industrial conflict or dispute as noted by Dauda (2007) is any form of work dissatisfaction that can manifest in several ways such as absenteeism, strike, high labour turnover, among others. Kornhouser and Durbin (2015) sees industrial dispute or conflict as the total range of behaviours and attitudes that express opposition and divergent orientation between individual owners and managers on one hand and the working people and their union on the other. Ladan (2012) & Mukoro (2013) observed that Nigeria's educational institutions have experienced disharmony in recent times as well as instability and other forms of industrial conflict. This situation has resulted in low productivity in the schools. The Government of

Nigeria since 2009 had been engulfed with the Academic Staff Union of Nigerian Universities in several industrial disputes. According to Offem, Anashie and Aniah (2017), on 22nd June, 2009, the National Executives of ASUU declared a total and indefinite strike, to compel Federal Government to sign the agreement reached with ASUU on there-negotiation of June, 2001 FGN-ASUU Agreement. In October, 2010, all the Universities in the Southeast zone of Nigeria embarked on an indefinite strike, where they demanded for the implementation of the agreements signed with ASUU, particularly on salary

and allowances. The Academic Staff Union of Universities (ASUU) declared a strike over the non-implementation of the agreements reached with Federal Government since year 2000. The strike lasted for almost six months and was suspended during the last week of December, 2013. Offem, Anashie and Aniah (2017) added that in November 2016, ASUU went on a one-week warning strike. That strike was a culmination of the persistent call on the Federal Government to address issues bordering on how to re-position the Nigerian university system, based on the desire to deal with the rot and decay in the system. An understanding was reached on the issues leading to the warning strike, but government went to sleep after the strike action was suspended. ASUU embarked on an indefinite strike on August 14, 2017 due to government failure to redeem the terms of agreement signed in 2009 and Memorandum of Understanding (MoU) endorsed by both parties in 2012. The strike lasted for over a month and was temporarily called-off on the 17th September 2017 pending when the government will implement the new agreement. Areas of the new agreement included funding for revitalization of public universities and the issue of Earn Academic Allowances, the issue of University Staff Schools and the implementation of the judgement of the National Industrial Court, National Universities Pension Management Company and guidelines for pension matters for Professors. All these are various Strike regimes that have befallen Universities in Nigeria within the period.

In settling industrial conflict in Nigeria, both the Trade Dispute Act No: 7 of 1976 as amended and the 1999 constitution of Nigeria as amended gave the national industrial court the power to resolve all industrial relation disputes or conflicts (Opara, 2014). This paper is set to address three issues which formed the objective of the study. The issues are to identify the factors that trigger industrial conflict between Government and ASUU, to discover the role of National Industrial Court in the management of Federal government and ASUU disputes and to ascertain the effect of Government and ASUU conflict on educational development in Nigeria. Consequently, the study is anchored on three research questions: What are the factors that contribute to Government and ASUU industrial dispute in Nigerian. Has the National Industrial Court been able to management of government and ASUU disputes effectively, does incessant Government and ASUU industrial dispute has any effect on the educational development in Nigeria? Drawn from the above research question, this study hypothesizes that non implementation of agreement reached between Government is the triggering factor of Government and ASUU industrial conflict. Incessant industrial dispute affects educational development and students' performances in Nigerian Universities. Literature review

Conflict or dispute has no generally or scholarly acceptable uniform definition as different scholars defined it according to their perspective. It is therefore defined here as any condition or state of struggle, opposition, incompatibility, interference, divergence of interest, tension, division, indifference among human beings in their process of interaction among themselves (Adenyi, 2015:3) Conflict or dispute in higher education is inescapable. According to Holton (2008), Conflict or dispute exists at every level of our academic world. Mwangi & Ragui (2013) pointed out that conflict is the motive force of an industrial relations system and that rules are designed to contain labor unrest. Ndum and Okey (2013) observed that Nigeria universities has for decades been faced with so many crises ranging from conflict between academic staff and university administrators, students versus Academic staff, students versus university authorities.

The genesis of industrial conflicts in Nigeria as found by Tokunbo (2007) was formation of trade unions even before the advent of colonialism. Okaka & Eriaguna (2011:4) added that from when Nigeria got independence in 1960 till date, the industrial system of the country has been characterized by industrial disputes, crises, and unrest in its entirety. A major feature of the industrial system, be it public or private, has been one of strikes, lockouts, picketing, sit-downs, work to rule and demonstrations among others. Whenever industrial conflict occurs in any organization in the country such in the universities, it is expected that both parties, that is, the employer and the employees should first of all adopt peace building measures such as negotiation to settle it but when such move becomes impossible, the Federal government of Nigeria established a National Industrial Court to adjudicate on the dispute between the parties. Industrial conflicts became serious issues in Nigeria since the beginning of the 1980s, following the experience of adverse consequences of the then "neoliberal reforms". Labour resisted government policies with the emergence of dictatorship by enthusiastically embarking on general strikes in the years; 1981, 1994, 2000, and 2004 (Otobo, 2007).

The theoretical framework formulated for this study is Morton Deutsch's Cooperative Model Theory propounded in the year 1949. Deutsch is one of the first to develop insight into the beneficial consequences of cooperation in conflict as an academic enquiry. In the scholar's view, a number of factors like the nature of the dispute and the goals each party aims at are pivotal in determining the kind of orientation a party would bring to the negotiating table in its attempt to solve the conflict. The major assumption or tenet of this theory is that two basic orientations exist in every conflict situation namely; competitive and cooperative. Deutsch further predicts the type of interactions which would occur between negotiating parties as a result of their disputing style. According to Burgess and Burgess (2007), Deutsch further argued that cooperation is most essential towards resolution of conflict as it will take into account the interest of all the parties involved. Cooperative disposition of the party would evoke an atmosphere of trust and eventually lead to mutually beneficial options for settlement while competitive approach leads to win-lose outcomes and is inclined to intensifying animosity and distrust between parties and is generally considered destructive. Deutsch offers an overview of the factors which influence conflicts toward productive or destructive outcomes, which includes that parties to conflicts usually have a mixture of cooperative and competitive motives; conflict may be positive and productive, or negative and destructive but the goal is to make conflicts productive, not to eliminate all conflict; cooperative or competitive interests each yield different processes of conflict resolution; the relative strengths of the cooperative and competitive process within the conflicting parties, and how they vary during the course of a conflict, will be major determinants of the nature of the conflict process and of whether the outcomes of the conflict are likely to be constructive or destructive for the conflicting parties. However, some critics of this approach argue that both cooperation and competition are essential to some extent to effectuate resolution of conflict since

negotiating a desirable agreement always includes common and diverse goals. Thus, finding a balance between these two approaches is the key to successful negotiation.

The link between this theory and this study is that the application of this theory by both Government, the Academic Staff Union, of Nigerian Universities and even Non-Academic Union, Students Union as well as authorities of universities will reduce drastically, or even completely eliminate incidence of industrial conflict in Nigerian Universities so that industrial harmony will prevail in the nation's citadel of learning. In the management of industrial dispute there is no other strategy more potent than cooperation as it often leads win-win outcome.

1.1. Factors Triggering Industrial Dispute between ASUU and Government in Nigerian Universities

Ajewole (2014) stated that causes of industrial dispute in Nigerian tertiary institution between government and the staff unions are poor infrastructures and poor salaries. Momodu, Matudi, & Momodu, (2014) described poor funding of the public institution by the government as the major precipitant of dispute in the polytechnic and the university system. Both the federal and state governments are major financiers of the polytechnics and universities owned by them and they provide up to about 80% of the funds for running the public polytechnics. In spite of the government funding to the public tertiary institutions, findings have shown that the funds are still not adequate to run the institution optimally as paucity of funding of public universities and polytechnics is seriously undermining the capacities of public institutions to meet their objectives.

Ubabukoh (2011) in his study found that the 2009 ASUU and NASU strike was caused by the technical committee/inter-ministerial committee who undermined the agreement already reached and thus failed to honor the agreement reached in 2009. Odoziobodo (2015) revealed that lack of compliance with the agreements signed by the Federal Government of Nigeria and the Academic Staff of Universities, ASUU led to the 2013 ASUU strike.

Orok (2015) found that poor conditions of service and remuneration, under-funding of the University system, poor communication between management and unions, autocratic leadership styles of some university administrators, non-participation of union in university decision making process and government intervention in universities' internal management and failure to honour previously reach agreement were the major factors associated with trade union disputes in Nigerian universities. Kutigi (2014) added that the delay in compliance to collective agreements contributed significantly to industrial conflict.

1.2. National Industrial Court and the Management of Government and ASUU Disputes

Conflict management is the process of limiting the negative aspects of conflict while increasing the positive aspects of conflict. The aim of conflict management is to enhance learning and group outcomes, including effectiveness or performance in organizational setting (Rahim, 2002). The National Industrial Court was established in 1976 by virtue of section 19 (1) of the Trade Disputes Decree No.7 of 19767 as a Revenue Court (now Trade Disputes Act, Chapter T8, Volume 15, Laws of the federation of Nigeria, 2004). Section 19 (1) of the 1976. In 1992, the Trade Disputes Act was amended by the Trade Disputes (Amendments) Decree N0.47 of 1992. By virtue of section 5 (a) thereof the court became a superior court of record, with the status of a high court. Section 20 of the Trade Dispute Act and section 1(a) of Trade Disputes (amendment) Decree No. 47 of 1992 gave exclusive jurisdiction to the National Industrial Court in matters of trade disputes, which is National Industrial Court Act 2006. The new Act empowers the President of the Court to create Judicial Divisions for the court so that the court may perform its statutory duties of dispensing justice most effectively. The court now has the following judicial division for the effective performance of its duties namely, Lagos, Kano, Abuja, Enugu, Jos, Ibadan, Maiduguri, Calabar, Akure among other (Opara, 2014).

Opara (2014) further posited that to strengthen the court, the National Assembly enacted a new National Industrial Court Act on 14th June, 2006 which was assented to by His Excellency, Chief Olusegun Obasanjo, GCFR, the former President of the country without delay. The NIC Act provides that the president of the court shall rank equal with the Chief Judge of the Federal High Court or the Chief judge of the High court of the Federal Capital Territory, Abuja, in precedence and the judges of the court shall, in like manner, rank with the judges of the Federal High Court or High Court of the Federal Capital Territory, Abuja". Furthermore, section 7 (1) of the Act states the jurisdiction of the court in civil causes and matters relating to labour, including trade unions and industrial relations; environment and condition of work (Opara, 2014).

Amadi (1999) cited in Owoseni & Ibikunle (2014) argued that experience has shown that ASUU resorting to the NIC, a government constituted body may not serve any useful since NIC would not want to upset the government's resolve in its dealing with trade unions. However Aturu (2005), cited in Owoseni & Ibikunle (2014) disagreed with Amadi and argued that the body of eminent jurists on the bench of the NIC, versed in labour and industrial laws are expected to ensure that employers and employees alike, (and for the purpose of this study, the Federal Government and ASUU), settle their differences amicably in a timely and orderly fashion and ensure that both parties submit themselves to the judicial pronouncements of the court, to be bidding on all parties concerned, without any likelihood of bias, favouritism and or ill feeling.

1.3. Effect of Incessant Industrial Dispute on the Educational Development in Nigeria

Evarherhe and Oguntoye (2013) found that educational standard is now believed to be questionable because many academic calendars in the universities have been disorganized with some academic sessions out rightly lost. Amadi and Urho (2015) found that irregularity of academic programmes, examination malpractices and cultism amongst students, certificate racketeering, erosion of dignity and respect of higher education are the effects of strike actions. Yusuf, Salako, Adedina & Ayelotan (2015) in their study revealed that strike action disrupts academic calendar which bestowed on

students psyche cost, disheartenment and unable to speedily regenerate themselves towards academic exercises at the resumption.

Orok (2015) in his study found that main effect of trade union disputes in Nigerian universities included disruption of academic calendar and programmed, low morale among staff, brain drain among professional staff and poor relationship between unions and management. Igbaji (2009) found that industrial dispute disrupts academic calendar and this irregularity hinders virtually all the academic calendars of Nigerian tertiary institutions. Anyim, Chidi and Ogunyomi (2012) found that the trend retards the economy as incessant strike causes students' repetition, dropout, wastage and brain drain which have an advert effect on the growth of the economy. Enomah (2009) found that industrial dispute in Universities delay in the graduation of students as there is a common saying that 'When two elephants fight, the grasses will suffer'.

2. Methodology

This study adopted Mixed method of research which according to Leech & Onwuegbuzie (2008) represents research that involves collecting, analyzing, and interpreting quantitative and qualitative data in a single study or in a series of studies that investigate the same underlying phenomenon. Creswell & Plano (2007) added that mixed methods research is a research design with philosophical assumptions as well as methods of inquiry. As a methodology, it involves philosophical assumptions that guide the direction of the collection and analysis of data and the mixture of qualitative and quantitative data in a single study or series of studies. Its central premise is that the use of quantitative and qualitative approaches in combination provides a better understanding of research problems that either approach alone. Qualitative technique according to Sodaro (2008) involves collection of extensive narrative data in order to gain insights into the phenomena of interest while quantitative design involves the collection of numerical data in order to explain, predict and o control phenomena of interest. Consequent upon the adoption of mixed method for this study; documentary and survey method of data collection were adopted while questionnaire and data from secondary sources such as books, journals internet materials among others were used to collect data for the study. This study adopted non-probability sampling, while purposive sampling technique was used to select respondents/discussants for the Focus Group Discussion. The choice of purposive sampling was to enable the researcher pick subjects who are knowledgeable on the topic of this study and to this end, twelve (12) respondents were selected from the academia. Data generated were analyzed using both content analysis. Okeke, Orji and Aniche (2014) noted that content analysis involves making inferences by objectively identifying specified characteristics of messages.

3. Data Presentation

Variable	Frequency	Percentage
Age		
35 -44	5	41.7
45-54	4	33.3
55 and above	3	25
Total	12	100
Marital status		
Single	2	16.7
Married	10	83.3
Total	12	100
Qualification		
Master Degree	3	25
Ph.D	9	75
Total	12	100
Occupation		
Lecturers	12	100

*Table 1: Demographic Characteristic of Respondents
Field Study 2018*

Data in table 1 shows that among the respondents those whose age is between 35-44 are 5 representing 41.7 % those whose age fall between 45-54 are 4 representing 33.3 % while those who are 55 and above are 3 representing 25 %. The marital status of the respondents shows that 2 representing 16.7% are single while the rest who are 10 in number representing 83.3 % are married. Educational qualification of the respondents shows that 3 possess Master Degree representing 25% while the rest are Ph. D holders representing 75% all the respondents are lecturers representing 100% of the respondents.

- Question 1: What do you think is the cause of incessant Government and ASUU industrial dispute

Responses	Frequency	Percentage
Lack of commitment in honouring agreement between causes Government and ASUU.	7	58.4
Poor condition of service	3	25
Lack of infrastructure	1	16.6
Total	12	100

*Table 2: Showing Responses of the Discussants on Cause of Incessant Government and ASUU Industrial Disputes
Field Study 2018*

Data on table 2 shows that 7 of the discussants representing 58.4 responded that the cause of incessant Government and ASUU industrial disputes is lack of agreement, 3 discussants representing 25% responded that it is poor condition of service while the 2 remaining discussants representing 16.6 % responded that the dispute is due to lack of infrastructure

- Question 2: Do you think that Universities management in Nigeria are doing enough to prevent incessant industrial dispute

Responses	Frequency	Percentage
They aid Government in implementing No work No pay instrument.	6	50
University authorities collude with government to sabotage ASUU.	4	33.3
They are agents of government and work to save their positions	2	16.7
Total	12	100

*Table 3: Showing Responses of the Discussants on whether Universities Management in Nigeria Are Doing Enough to Prevent Incessant Industrial Dispute by ASUU
Field Study 2018*

Table 3, shows that among the discussants 6 representing 50% responded that universities management in Nigeria aid Government in implementing No work No pay instrument, 4 discussants representing 33.3% responded that university authorities collude with government to sabotage ASUU while the remaining three responded that they are agents of government and work to save their positions.

- Question 3: What do you think is the reason why successive regimes renege in implementing agreements it did not enter with ASUU?

Responses	Frequency	Percentage
It is because of the financial implication	4	33.3
It is because of hypocrisy on the side of government	3	25
Successive regimes rarely implement an inherited problem that requires funding.	5	41.7
Total	12	100

*Table 4: Showing the Discussants Response on the Reason Why Successive Regimes Renege in Implementing Agreements it Did Not Enter with ASUU
Field Study 2018*

In table 4, 4 of the discussants representing 33.3 % responded that the reason why successive regimes renege in implementing agreements it did not enter with ASUU is because of the financial implication, 3 of the discussants representing 25 % responded that it is because of hypocrisy on the side of government while 5 discussants representing 41.7 % responded that it is because successive regimes rarely implement an inherited problem that requires funding.

- Question 4. Do you ASUU is right by not engaging the regime it entered agreement with to implement it instead of transferring the burden to another regime?

Responses	Frequency	Percentage
ASUU is right because government is a continuous process.	2	16.7
ASUU is not right and that is where the problem lies.	9	75
The blame is on both ASUU and government	1	8.3
Total	12	100

*Table 5: Showing the Respondents Response on Whether ASUU Is Right by Not Engaging the Regime It Entered Agreement With to Implement It Instead of Transferring the Burden to another Regime
Field Study 2018*

In table 5, 2 of the respondents representing 16.7% responded that ASUU is right by not engaging the regime it entered agreement with to implement it instead of transferring the burden to another regime because government is a continuous process, 9 of the discussants representing 75% responded that ASUU is not right and that is where the problem lies, while 1 discussant representing 8.3% responded that the blame is on both ASUU and government

- Question 5: Apart from strike, which other measures do you think ASUU can employ to resolve industrial dispute with Government?

Responses	Frequency	Percentage
Negotiation is the most powerful strategy ASUU can use to resolve conflict with Government.	7	58.3
Referral to National Industrial Court	5	41.7
Total	12	100

Table 6: Showing Discussants Responses on Other Measures ASUU Can Employ to Resolve Industrial Dispute with Government. Field Study 2018

Data on table 6 shows that among the discussants, 7 representing 83.4 % responded that other measures ASUU can employ to resolve industrial dispute with Government is through negotiation which is the most powerful strategy in industrial dispute. The remaining 5 representing 41.7 % responded that it is referral to National Industrial Court.

- Question 6: Do you think that the National Industrial court being government institution will dispense justice in Government and ASUU industrial conflict

Responses	Frequency	Percentage
I the court will because it is a temple of justice and will dispense justice irrespective of the parties	6	50
I do not think ASUU will get justice from the court	1	8.3
Whatever is their ruling, any of the parties can appeal against the judgement of the court to the court of appeal and supreme court.	3	25
It is too complex to predict.	2	16.7
Total	12	100

Table 7: Showing Discussants Response on the Destructive Effects of Syrian Conflict on the Syrian People Field Study 2018

Data on table 7 shows that 6 of the discussants representing 50% responded that the court will dispense justice because it is a temple of justice irrespective of the parties, 1 discussant representing 8.3% responded that he do not think ASUU will get justice from the court 3 discussants representing 25 percent responded that whatever is their ruling, any of the parties can appeal against the judgment of the court to the court of appeal and supreme court while 2 discussants representing 16.7 responded that it is too complex to predict.

- Question 7. Do you think ASUU have confidence in the national Industrial Court

Responses	Frequency	Percentage
NIC is a court of competent jurisdiction in labour related matters and ASUU's confidence in the court is incontrovertible.	9	75
ASUU has no choice than to take their matter to the court as stipulated in the constitution.	3	25
Total	12	99

Table 8: Showing Discussants Responses on Whether ASUU Have Confidence in the National Industrial Court Field Study 2018

Data on table 8 shows that among the discussants, 9 representing 75% responded that NIC is a court of competent jurisdiction in labour related matters and ASUU's confidence in the court is incontrovertible, while the remaining 3 representing 25% responded that ASUU has no choice than to take their matter to the court as stipulated in the constitution.

- Question 8. What in your opinion is the effect of incessant Government and ASUU industrial dispute on the educational development in Nigeria?

Responses	Frequency	Percentage
It affects student's performance and academic programme.	5	41.7
Such dispute disrupts academic calendar	3	25
It is one of the causes of low-quality graduates in Nigeria today	4	33.3
Total	12	100

Table 9: Showing Discussants Response Showing the Effect of Incessant Government and ASUU Industrial Dispute on the Educational Development in Nigeria

Data on table 9 shows that among discussants, 5 representing 41.7% responded that the effect of incessant Government and ASUU industrial dispute on the educational development in Nigeria is that it affects student's performance and academic programme, 3 representing 25% responded that such dispute disrupts academic calendar while the remaining 4 discussants representing 33.3% responded that incessant Government and ASUU is one of the cause of low quality graduates in Nigeria today.

- Question 9 Do you agree that incessant Government and ASUU industrial dispute leads study to criminal activities.

Responses	Frequency	Percentage
I do not agree because criminality is a thing of the mind.	3	25
Yes, I do agree because I have read in the news of students caught committing crime and blaming it on lack of academic activities.	9	75
Total	12	100

Table 10: Showing Discussants Response on Whether Incessant Government and ASUU Industrial Dispute Leads Study to Criminal Activities Field Study 2018

Data on table 10 shows that 9 of the discussants representing respondents representing 75% responded that they agree that incessant Government and ASUU industrial dispute leads study to criminal activities, because they have read in the news of students caught committing crime and blaming it on lack of academic activities while the remaining 3 representing 25% responded that they do not agree because criminality is a thing of the mind.

- Question 10 Do you agree that incessant Government and ASUU industrial dispute is one of the causes of brain drain in the country?

Responses	Frequency	Percentage
I do agree.	7	58.3
I do not agree because scholars look for greener pastures outside the country not because of Government and ASUU dispute	5	41.7
Total	12	100

Table 11: Discussants Response on Whether Incessant Government and ASUU Industrial Dispute Is One of the Causes of Brain Drain in the Country Field Study 2018

Data on table 10 shows that 7 of the discussants representing respondents representing 58.3 % responded that they agree that incessant Government and ASUU industrial dispute is one of the causes of brain drain in the country while the remaining 5 discussants representing 41.7% responded that they do not agree because scholars look for greener pastures outside the country not because of Government and ASUU dispute

- Question 10 What do you suggest for Post war Syria if the war ends?

Responses	Frequency	Percentage
UN Peacekeepers should be deployed to strategic locations in the country	6	50
All the perpetrators of war crime in the war should be brought before international criminal court.	2	25
The war should end in no victor no vanquish	3	25
Total	12	100

Table 12: Showing Discussants Suggestions for Post War Syria Field Study 2018

Data on table 12 shows that 6 of the discussants suggested that in the event of post war Syria, UN peacekeepers should be deployed to strategic locations in the country, 3 discussants responded that the war should end in no victor no

vanquish while 3 discussants responded that all the perpetrators of war crime in the conflict should be brought before the International Criminal Court.

4. Discussion

Data on table 2 shows that 7 of the discussants representing 58.4 responded that the cause of incessant Government and ASUU industrial disputes is lack of agreement, 3 discussants representing 25% responded that it is poor condition of service while the 2 remaining discussants representing 16.6 % responded that the dispute is due to lack of infrastructure. The responses of the discussants were in agreement with earlier findings of Ubabukoh (2011) and Odoziobodo (2015) who found that lack of implementation of agreement leads to Government and ASUU disputes as well as Ajewole (2014) who added that poor salaries and infrastructures contributes to Government and ASUU's incessant dispute.

Table 3, shows that among the discussants 6 representing 50% responded that universities management in Nigeria aid Government in implementing No work No pay instrument, 4 discussants representing 33.3% responded that university authorities collude with government to sabotage ASUU while the remaining three responded that they are agents of government and work to save their positions. The discussants response is in agreement with Orok (2015) who identified that autocratic leadership styles of some university administrators contributes to Government and ASUU disputes.

In table 4, 4 of the discussants representing 33.3 % responded that the reason why successive regimes renege in implementing agreements it did not enter with ASUU is because of the financial implication, 3 of the discussants representing 33.3 % responded that it is because of hypocrisy on the side of government while 5 discussants representing 41.7 % responded that it is because successive regimes rarely implement an inherited problem that requires funding.

In table 5, 2 of the respondents representing 16.7% responded that ASUU is right by not engaging the regime it entered agreement with to implement it instead of transferring the burden to another regime because government is a continuous process, 9 of the discussants representing 75% responded that ASUU is not right and that is where the problem lies, while 1 discussant representing 8.3% responded that the blame is on both ASUU and government

Data on table 6, shows that among the discussants, 7 representing 83.4 % responded that other measures ASUU can employ to resolve industrial dispute with Government is through negotiation which is the most powerful strategy in industrial dispute. The remaining 5 representing 41.7 % responded that it is referral to National Industrial Court.

Data on table 7 shows that 6 of the discussants representing 50% responded that National Industrial court will dispense justice because it is a temple of justice irrespective of the parties, 1 discussant representing 8.3% responded that he do not think ASUU will get justice from the court 3 discussants representing 25 percent responded that whatever is their ruling, any of the parties can appeal against the judgement of the court to the court of appeal and supreme court while 2 discussants representing 16.7 % responded that it is too complex to predict. The discussants responses were in agreement with previous arguments of Aturu (2005) cited in Owoseni & Ibikunle (2014) who agreed that the body of eminent jurists on the bench of the NIC, versed in labour and industrial laws are expected to ensure that employers and employees settle their differences amicably and Amadi (1999) cited also in Owoseni & Ibikunle (2014) who on the contrary argued that that the NIC would not want to upset the government's resolve in its dealing with trade unions respectively.

Data on table 8 shows that among the discussants, 9 representing 75% responded that NIC is a court of competent jurisdiction in labour related matters and ASUU's confidence in the court is incontrovertible, while the remaining 3 representing 25% responded that ASUU has no choice than to take their matter to the court as stipulated in the constitution.

Data on table 9 shows that among discussants, 5 representing 41.7% responded that the effect of incessant Government and ASUU industrial dispute on the educational development in Nigeria is that it affects student's performance and academic programme, 3 representing 25% responded that such dispute disrupts academic calendar while the remaining 4 discussants representing 33.3% responded that incessant Government and ASUU is one of the cause of low quality graduates in Nigeria today. The discussants response thereof is supported by the findings of Yusuf, Salako, Adedina & Ayelotan (2015) who found that implications of the incessant industrial action by academic staff unions on students is poor academic performance and Orok (2015) who found that main effect of trade union disputes in Nigerian universities included disruption of academic calendar

Data on table 10 shows that 9 of the discussants representing respondents representing 75% responded that they agree that incessant Government and ASUU industrial dispute leads study to criminal activities, because they have read in the news of students caught committing crime and blaming it on lack of academic activities while the remaining 3 representing 25% responded that they do not agree because criminality is a thing of the mind. This is supported by the findings of Amadi and Urho (2015) whose findings reveals that irregularity of academic programmes, leads to examination malpractices, cultism amongst students, and certificate racketeering among others.

Data on table 10 shows that 7 of the discussants representing respondents representing 58.3 % responded that they agree that incessant Government and ASUU industrial dispute is one of the causes of brain drain in the country while the remaining 5 discussants representing 41.7% responded that they do not agree because scholars look for greener pastures outside the country not because of Government and ASUU dispute. The response of the majority of the discussants is in agreement with Amadi and Urho (2015) who identified that one of the effects of government ASUU dispute is brain drain among professional staff of universities.

5. Findings and Conclusion

This study reveals that non implementation of agreements reached between the federal government and ASUU, sabotage by university authorities who collude with government to sabotage ASUU, Poor salaries and infrastructure are the

cause of incessant industrial dispute between Government and ASUU. The study also reveals that why successive regimes renege in implementing agreements it did not enter with ASUU is because of the financial implication, hypocrisy on the side of government successive regimes who rarely implement an inherited problem that requires funding. It was also found that ASUU is to be blamed for not taking necessary action to compel implementation of agreement with the regime it entered it. The study also found that negotiation and referral to National Industrial Court is the most powerful strategy in industrial dispute, and the National Industrial court as a court of competent jurisdiction is trusted to dispense justice in ASUU government dispute without fear of favour. The effect of incessant Government and ASUU industrial dispute on the educational development in Nigeria as found in the study are that it affects student's academic performance, low quality graduates and leads students to resort to criminalities. It is also the cause of brain drain of professional teaching staff.

6. Conclusion

Resolution of industrial conflict has often been difficult in Nigeria and that has led to the meteoric rise of labour related dispute in the country. The study has revealed that conflict or dispute is a part of life and happens everywhere including the universities. The educational institutions in Nigeria has been saturated by persistent industrial dispute between Government and ASUU variety of issues such as non-implementation of agreements by government. The theory of cooperative conflict was used in this study to suggest that employers and employees can have opposing goals and interests but can cooperate in other to resolve it. In the light of the findings and conclusion, this study recommends that:

- Every regime in the country should endeavor to honour any agreement it entered with ASUU during their tenure instead of transferring such to their successor regimes.
- ASUU should use every legal means to compel any regime it entered agreement with to implement it during their tenure.
- The National Industrial court should make use of judicial independence to deliver unbiased judgement whenever ASUU and Government had dispute.
- Federal government should strengthen the nation's university system to eliminate the alarming rate of brain drain.

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