

AGREEMENT

BETWEEN

THE FEDERAL GOVERNMENT OF NIGERIA (FGN)

AND

**THE ACADEMIC STAFF UNION OF
UNIVERSITIES (ASUU)**

JANUARY 2009

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CHAPTER ONE

1.0 PREAMBLE

1.1 Establishment of the Federal Government of Nigeria (FGN)/Academic Staff Union of Universities (ASUU) Re-Negotiation Committee

On Thursday, 14th December, 2006, the then Honourable Minister of Education, Dr. (Mrs.) Obiageli Ezekwesili, on behalf of the Federal Government of Nigeria (FGN), inaugurated the FGN/ASUU Re-negotiation Committee comprising the FGN Re-negotiation Team led by the then Pro-Chancellor, University of Ibadan, Deacon Gamaliel O. Onosode, OFR, and the ASUU Re-negotiation Team led by the then President of ASUU, Dr. Abdullahi Sule-Kano.

The Committee met immediately after its inauguration for its first business session during which both Teams re-affirmed the need to address the identified rot in the University System, as evidenced in dilapidated infrastructure and poor conditions of service for all categories of staff. At the meeting, the ASUU Team submitted a position paper titled “Proposals for the Re-negotiation of the 2001 Agreement between the Federal Government of Nigeria/Governments of State that own Universities and the Academic Staff Union of Universities” which reflected the views of ASUU on various issues in the 2001 FGN/ASUU Agreement.

On Tuesday, 23rd January, 2007, the Federal Government/ASUU Re-negotiations began at the National Universities Commission (NUC), Abuja. At the meeting, the Government Team presented a position paper titled “Government Negotiating Team Position Paper for 2006 Negotiation with Academic Staff of Nigerian Universities”, which was a response to ASUU demands. The Re-negotiation was suspended as a result of ASUU’s withdrawal on 11th January, 2008 in connection with its stand on the Ilorin 49 issue and did not resume until 25th August, 2008.

1.2 TERMS OF REFERENCE

The single Term of Reference of the Committee was to re-negotiate the 2001 FGN/ASUU Agreement and enter into a workable Agreement. In the course of discussion, the Committee agreed that the essence of the Re-negotiation was:

- (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 university autonomy and academic freedom.

1.3 COMPOSITION OF THE FGN/ASUU RE-NEGOTIATION COMMITTEE

The FGN/ASUU Re-negotiation Committee comprised the following Members, Advisers, Observers and the Joint Secretariat:

1.3.1 GOVERNMENT RE-NEGOTIATION TEAM

- | | | |
|-------------------------------------|--|--|
| (a) Deacon Gamaliel O. Onosode, OFR | Immediate Past Pro-Chancellor, University of Ibadan. | Team Leader & Chairman, Re-Negotiation Committee |
| (b) Prof. Musa Abdullahi | Secretary General CVC & Immediate Past Pro-Chancellor, University of Jos | Member (Deceased 30 th October, 2008) |
| (c) Prof. Greg Iwu, OON | Immediate Past Pro-Chancellor, Nnamdi Azikiwe University, Awka. | Member |
| (d) Rev. Father T. E. Uwaifo | Immediate Past Pro-Chancellor, Ambrose Alli University Ekpoma. | Member |
| (e) Barrister Emeka Nwankpa | Former Pro-Chancellor, Abia State University, Uturu. | Member |

(f) Amb. Muh. Adamu Jumba	Immediate Past Pro-Chancellor, Bayero University, Kano.	Member
(g) Prof. Mahmood. Yakubu	Executive Secretary, ETF Abuja	Member
(h) Senator Abdalla Wali	Former Pro-Chancellor, University of Technology, Yola	Member (until 23 rd February, 2008)

1.3.2 ASUU RE-NEGOTIATION TEAM

(a) Dr. Abdullahi Sule-Kano	President	Team Leader (until May 2008)
(b) Prof. Ukachukwu Awuzie	President	Team Leader (from June, 2008)
(c) Dr. Oladipo Fashina		Member
(d) Dr. Peter Ozo-Eson		Member
(e) Dr. Ogban Ogban-Iyam		Member
(f) Prof. Eskor Toyo		Member
(g) Prof. Chukuka Okonjo		Member
(h) Prof. Omotoye Olorode		Member
(i) Dr. (Mrs) Nnenna N. Oti		Member
(j) Prof. Olatunde Oduleye		Member
(k) Dr. Biodun Onilude		Member
(l) Prof. Idowu Awopetu		Member
(m) Dr. Olugbenga Ogunbote		Member
(n) Dr. Ralph Ofukwu		Member
(o) Prof. Emmanuel Egia Okoegwale		Member
(p) Prof. C. O. Orubu		Member
(q) Dr. Nasir F. Isa		Member
(r) Dr. Suleiman D. Abdul		Member
(s) Dr. Festus Iyayi		Member

(t) Prof. Abdul-Ganiyu Garba	Member
(u) Prof. Assisi Asobie	Member
(v) Dr. Rabiun Sani Shatsari	Member
(w) Prof. Stephen E. Onah	Member
(x) Prof. Godwin N. Nsofor	Member*
(y) Barr. I.N.E. Worugji	Member*
(z) Dr. (Mrs) Regina Ode	Member*
(z ¹) Mr. Sikiru Eniola	Member*
(z ²) Dr. Abu Mallam	Member*

(* Joined in June, 2008)

1.3.3 ADVISERS

(a) Prof. Julius A. Okojie	Executive Secretary, National Universities Commission, Abuja.
(b) Prof. Oye Ibidapo-Obe	Former Chairman, Committee of Vice-Chancellors (CVC)
(c) Prof. J. D. Amin	Immediate Past Chairman, Committee of Vice-Chancellors (CVC), Abuja.
(f) Prof. E. A. C. Nwanze	Chairman Committee of Vice Chancellors & Vice-Chancellor, University of Benin, Benin City.
(d) Prof. Chinedu Nebo	Vice-Chancellor, University of Nigeria, Nsukka.
(e) Prof. Ekanem I. Braide	Vice-Chancellor, Cross River University of Technology, Calabar.
(g) Prof. S. U. Abdullahi	Vice-Chancellor, Ahmadu Bello University, Zaria.
(h) Prof. Abdullahi Mahadi	Vice-Chancellor, Gombe State University, Gombe.
(i) Prof. Peter Adeniyi	Former Vice Chancellor, Federal University of Technology, Akure.

(j) Chief (Mrs.) Mojisola Ladipo, mni Former Registrar, University of Ibadan, Ibadan.

(k) Mr. M.B Modibbo Registrar, University of Abuja, Abuja.

1.3.4 **OBSERVERS**

(a) Mrs. V. A. Eghobamien Representative of Federal Ministry of Labour, Abuja.

(b) Mr. S. A. Ajibola Representative of Federal Ministry of Labour, Abuja.

(c) Prof. Ignatius I. Uvah Deputy Executive Secretary (University Education), NUC Abuja.

(d) Mr. P. I. Ekun Representative of Special Services Office, The Presidency Abuja.

(e) Mrs. E. Ori. Okojokwu Representative of Federal Ministry of Education, Abuja.

(f) Mr. Chike Ogbechie National Salaries, Incomes & Wages Commission, Abuja.

(g) Mr. A. C. Adighiogu National Salaries, Incomes & Wages Commission, Abuja.

(h) Mr. P. E. Oyong Federal Ministry of Justice, Abuja.

(i) Mr. A. Ibrahim Federal Ministry of Justice, Abuja.

(j) Mr. I. O. Malaolu Office of the Secretary to the Government of the Federation, Abuja.

(k) Mr. G. T. Ogbenna Federal Ministry of Finance, Abuja.

(l) Mrs. Cynthia I. J. Okigbo Budget Office of the Federation Federal Ministry of Finance, Abuja.

1.3.5 JOINT SECRETARIAT

- | | | |
|-----|------------------------|--|
| (a) | Dr. M. K. Aliyu | Representative of ASUU |
| (b) | Dr. M. B. Kuna | Representative of ASUU |
| (c) | Mr. G. I. N. Emezue | Representative of ASUU |
| (d) | Mrs. Ann E. Aiyedun | Representative of Federal
Ministry of Education, Abuja. |
| (e) | Mrs. Q. U. Elebor | Representative of Federal
Ministry of Education, Abuja.
(Retired, 25 th August, 2008) |
| (f) | Mr. B. C. Odum | National Universities
Commission, Abuja. |
| (g) | Mrs. C. N. Goddy-Nnadi | National Universities
Commission, Abuja |

CHAPTER TWO

2.0 MODUS OPERANDI

2.1 MANDATE

The two Teams (FGN and ASUU) affirmed that they had the MANDATE of their respective PRINCIPALS to Re-negotiate, as in 2.2.

2.2 ISSUES FOR RE-NEGOTIATION

Both Teams agreed that the following issues will form the agenda and focus for the Re-Negotiation:

- (a) Conditions of Service
- (b) Funding
- (c) University Autonomy and Academic Freedom
- (d) Other Matters.

2.3 PRINCIPLES FOR THE RE-NEGOTIATION

The Teams agreed to adopt the following as principles for the re-negotiation exercise:

- (a) Adjournments to allow consultation with, and briefing of, principals before signing the final document;
- (b) Establishment of an implementation monitoring mechanism that would ensure implementation of the Agreement reached;
- (c) Informal contacts during the process in order to facilitate the re-negotiation; and
- (d) Facilitation of the recording of the proceedings of the re-negotiation and the production of minutes through a joint Secretariat comprising nominees from both teams.

2.4 PROCESS ADOPTED FOR THE RE-NEGOTIATION

The Committee, in the course of the re-negotiation exercise:

- a) Held meetings, made consultations with stakeholders and visited universities;
- b) Received a position paper from the ASUU Team (Annexure 1) cataloguing its demands and a position paper from the FGN Team (Annexure 2) in response to the Union's demands.
- c) Set up the following Sub-Committees:
 - i. Sub-Committee on Data Collection from the Universities;

- ii. Sub-Committee on Pension and Retirement Age of Academic Staff;
 - iii. Sub-Committee on Earned Academic Allowances; and
 - iv. Technical Sub-Committee on Development of Salary Structure..
- d) Utilised various documentary submissions from the Universities and relevant Government Agencies;
 - e) Received presentations from members on their positions relating to statistical data, general principles and the history of the Nigerian Universities;
 - f) Made reference to existing reports from previous Commissions on Higher Education as well as previous Agreements between Government and Academic Staff Union of Universities (ASUU);
 - g) Recorded proceedings of the negotiations and the production of minutes, through a Joint Secretariat; and,
 - h) Reached consensus that each Team would first make consultations with and brief its principals before signing any agreement resulting from the re-negotiation exercise.

2.5 Whereas the Agreement is directed towards ensuring that there is a viable university system with one, rather than a multiple set of academic standards; and whereas it is recognized by the Negotiating Teams that education is on the Concurrent List and by this Agreement, the Federal Government does not intend to and shall not compel the State Governments to implement the provisions of the Agreement in respect of their Universities, it is however recognized that the State Governments shall be encouraged to adopt this Agreement, as benchmarks, if they are to operate within the goals of achieving the same sets of academic standards for their institutions within Nigeria's University system.

CHAPTER THREE

3.0 CONDITIONS OF SERVICE

3.1 Salary Structure for Academic Staff in Nigerian Universities

It was agreed that there shall be a separate Salary Structure for University Academic staff to be known as Consolidated University Academic Salary Structure II (CONUASS II), which is shown in Table 1. CONUASS II is made up of the following three components:

- (a) The Consolidated Salary Structure for Academic Staff (CONUASS) approved by the Federal Government of Nigeria (FGN) effective 1st January 2007 (FGN Circular SWC/S/04/S.309/1, dated 18th January, 2007).
- (b) Consolidated Peculiar University Academic Allowances (CONPUAA), exclusively for university teaching staff and derived from allowances not adequately reflected or not consolidated in CONUASS.
- (c) Rent as approved by the FGN effective 1st January 2007 (FGN Circular SWC/S/04/S.309/1, dated 18th January, 2007).

3.1.1 Basis for CONUASS II

In arriving at the salary structure in Table 1, the Re-negotiation Committee noted that Nigerian university academics represent the critical mass of scholars in the society, with the potential for transforming it. They, therefore, deserve unique conditions of service that would motivate them, like the intellectuals in other parts of the world, to attain greater efficiency and effectiveness in service delivery with regard to teaching, research and community service, and thereby stem the brain drain. In line with this philosophy, the Re-negotiation Committee obtained information relating to the movement of Nigerian academics to other African countries such as South Africa, Ghana, Botswana as well as developed countries. The figures in Table I reflect relevant African average, that is, the average remuneration of academics in selected African countries with which Nigeria potentially or effectively competes for the recruitment of academic staff.

3.1.2 Conditionalities for CONUASS II

The salary table was agreed upon subject to approval by the Principals and on condition that, there must be unqualified commitment on their part that, in the pursuit of their avowed goals, they would respect the sanctity of the regular university academic calendar and commit themselves to strict adherence to the provisions of prescribed minimum academic standards and to the primacy of dialogue and due process over and above those tactics that undermine and disrupt good order in the conduct of university business.

- 3.1.3** Taking into cognizance the rationale behind Table 1 as the appropriate Consolidated University Academic Salary Structure and the Federal Government's fiscal difficulties, a new table (Table II) shall be used for the implementation of this Agreement. However, future salary review shall be based on Table I as a reference point.

**TABLE 1: The Consolidated Universities Academic Salary Structure II
(CONUASS II)**

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CONSOLIDATED UNIVERSITY ACADEMIC SALARY STRUCTURE

CLASS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
CONCLASS	834760	776613	718466	660319	602172	544025	485878	427731	369584	311437	253290	195143	136996	78849	20000
FCI															
CONCLASS	854811	811164	767517	723870	680223	636576	592929	549282	505635	461988	418341	374694	331047	287400	243753
CONCLASS	128733	123344	117955	112566	107177	101788	96399	91010	85621	80232	74843	69454	64065	58676	53287
Total Enrolment	187836	179854	171872	163890	155908	147926	139944	131962	123980	115998	108016	100034	92052	84070	76088
CONCLASS	79420	81156	82892	84628	86364	88100	89836	91572	93308	95044	96780	98516	100252	101988	103724
CONCLASS	192738	192738	192738	192738	192738	192738	192738	192738	192738	192738	192738	192738	192738	192738	192738
CONCLASS	151864	151864	151864	151864	151864	151864	151864	151864	151864	151864	151864	151864	151864	151864	151864
Total Enrolment	176526	176526	176526	176526	176526	176526	176526	176526	176526	176526	176526	176526	176526	176526	176526
CONCLASS	857951	822766	787581	752396	717211	682026	646841	611656	576471	541286	506101	470916	435731	400546	365361
CONCLASS	1433275	1402488	1371701	1340914	1310127	1279340	1248553	1217766	1186979	1156192	1125405	1094618	1063831	1033044	1002257
CONCLASS	126208	123520	120832	118144	115456	112768	110080	107392	104704	102016	99328	96640	93952	91264	88576
Total Enrolment	2528784	2468728	2408672	2348616	2288560	2228504	2168448	2108392	2048336	1988280	1928224	1868168	1808112	1748056	1688000
CONCLASS	1122715	1102974	1083233	1063492	1043751	1024010	1004269	984528	964787	945046	925305	905564	885823	866082	846341
CONCLASS	1532598	1517765	1502932	1488099	1473266	1458433	1443600	1428767	1413934	1399101	1384268	1369435	1354602	1339769	1324936
CONCLASS	233443	231443	229443	227443	225443	223443	221443	219443	217443	215443	213443	211443	209443	207443	205443
Total Enrolment	2888182	2853318	2818454	2783590	2748726	2713862	2679000	2644136	2609272	2574408	2539544	2504680	2469816	2434952	2400088
CONCLASS	7635475	7411322	7187169	6963016	6738863	6514710	6290557	6066404	5842251	5618098	5393945	5169792	4945639	4721486	4497333
CONCLASS	2617435	2617435	2617435	2617435	2617435	2617435	2617435	2617435	2617435	2617435	2617435	2617435	2617435	2617435	2617435
CONCLASS	362262	378528	394794	411060	427326	443592	459858	476124	492390	508656	524922	541188	557454	573720	589986
Total Enrolment	4833212	4729565	4625918	4522271	4418624	4314977	4211330	4107683	4004036	3900389	3796742	3693095	3589448	3485801	3382154
CONCLASS	2659124	2722232	2785340	2848448	2911556	2974664	3037772	3100880	3163988	3227096	3290204	3353312	3416420	3479528	3542636
CONCLASS	2781768	2809628	2837488	2865348	2893208	2921068	2948928	2976788	3004648	3032508	3060368	3088228	3116088	3143948	3171808
CONCLASS	421824	423298	424772	426246	427720	429194	430668	432142	433616	435090	436564	438038	439512	440986	442460
Total Enrolment	4228888	4258158	4287428	4316698	4345968	4375238	4404508	4433778	4463048	4492318	4521588	4550858	4580128	4609398	4638668
CONCLASS	2483389	2503348	2523307	2543266	2563225	2583184	2603143	2623102	2643061	2663020	2682979	2702938	2722897	2742856	2762815
CONCLASS	3363999	3363999	3363999	3363999	3363999	3363999	3363999	3363999	3363999	3363999	3363999	3363999	3363999	3363999	3363999
CONCLASS	451522	473724	495926	518128	540330	562532	584734	606936	629138	651340	673542	695744	717946	740148	762350
Total Enrolment	6202120	6433448	6664776	6896104	7127432	7358760	7590088	7821416	8052744	8284072	8515400	8746728	8978056	9209384	9440712
CONCLASS	3379039														
CONCLASS	1742458														
CONCLASS	874143														
Total Enrolment	2768640														

NOTE: CONCLASS - CONSOLIDATED UNIVERSITY ACADEMIC SALARY STRUCTURE
 CONCLASS - CONSOLIDATED UNIVERSITY ACADEMIC ALLOWANCE

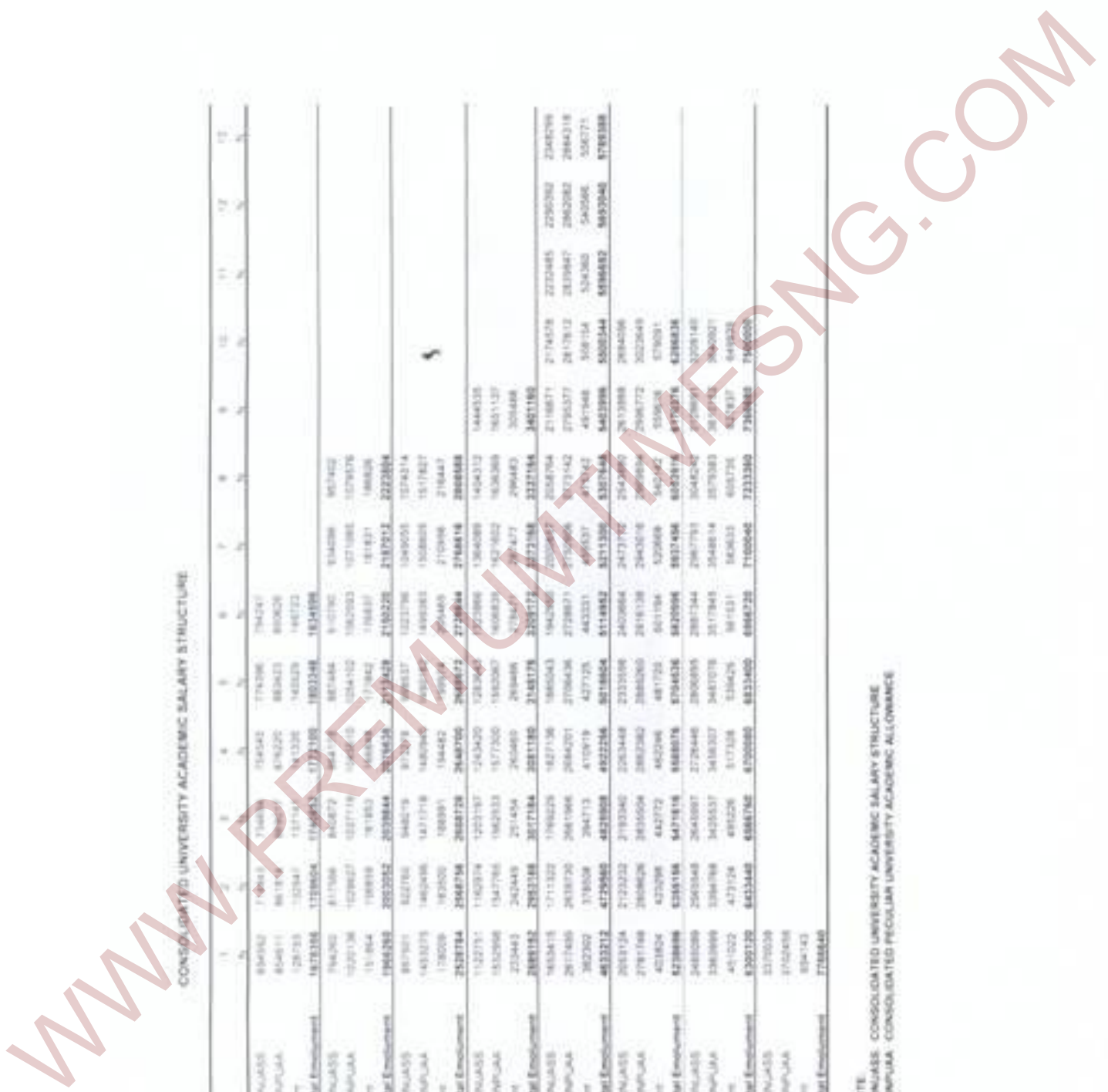


Table II

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3.2 Earned Academic Allowances

It was agreed that entitled academic staff shall be paid the following earned allowances at the rates indicated for undertaking the listed assignments.

a. Postgraduate Supervision Allowance

(i)	Lecturer I	N15,000 per student, per annum
(ii)	Senior Lecturer	N20,000 per student, per annum
(iii)	Reader & Professor	N25,000 per student, per annum

This allowance shall be paid to the entitled academic staff for a maximum of 5 students per annum.

b. Teaching Practice/Industrial Supervision/Field Trip Allowances

(i)	Assistant Lecturer – Lecturer I	N60,000 per annum
(ii)	Senior Lecturer	N80,000 per annum
(iii)	Reader & Professor	N100,000 per annum

Where the work involves travelling out of town, the usual mileage and night allowances shall be paid in line with the existing Government regulations. Also, where a staff is involved in more than one of the above activities in a given year, he or she shall be remunerated separately for each activity.

c. Honoraria for External/Internal Examiner (Postgraduate Thesis)

External

(i)	Master's degree	N80,000 per thesis
(ii)	Doctorate degree	N105,000 per thesis

Internal

(i)	Master's degree	N45,000 per thesis
(ii)	Doctorate degree	N65,000 per thesis

d. **Honoraria for External Moderation of Undergraduate and Postgraduate Examinations**

(i)	Undergraduate	Up to 50 Candidates	N60,000
		more than 50 candidates	N80,000
(ii)	Postgraduate	Up to 10 Candidates	N60,000
		more than 10 candidates	N80,000

e. **Postgraduate Study Grant**

(i) **Science based**

Master's degree	N350,000 per session
Doctorate degree	N500,000 per session

(ii) **Non-Science based**

Master's degree	N250,000 per session
Doctorate degree	N350,000 per session

The above grant is to encourage young academics to obtain higher relevant qualification and remain on the job, provided that they do not exceed the normal years of the approved programmes i.e. Two (2) academic sessions for a Master degree, Four (4) academic sessions for a Doctorate Degree programme.

f. **External Assessment of Readers or Professors**

In view of the critical nature of external assessment of candidates for Professorship and Readership positions in developing and sustaining the Universities, it was agreed that external assessors shall be paid a minimum allowance of **N200, 000** per assessment for the position of Reader or Professor.

g. **Call Duty/Clinical Duty/Clinic Hazard**

It was agreed that Call Duty/Clinical Duty/Clinical Hazard Allowance shall be paid to entitled academics as in the National Salaries, Incomes and Wages Commission (NSIWC) circular reference number SWC/S/04/S.309 of 18th January, 2007 on approved Four Non-regular Allowances in the Public Service,

and also as in the National Salaries, Incomes and Wages Commission (NSIWC) circular reference number SWC/S/04/S.309 of 7th March, 2007 on approved Four Non-regular Allowances in the Public Service.

h. Responsibility Allowance

It was agreed that Responsibility Allowance shall be paid annually as follows:

i.	Deputy Vice-Chancellor/Librarian	N750,000
ii.	Provost/Dean/Director	N500,000
iii.	Deputy/Vice/Associate Dean or Provost	N350,000
iv.	Head of Dept./Sub Dean	N250,000
v.	Fac./Dept Exam Officer	N150,000
vi.	Hall Warden	N150,000
vii.	All other Officers	N150,000

j. Excess Workload Allowance

It was agreed that Excess Workload Allowance, which shall be phased out without delay, shall be paid only to entitled academic staff as follows:

i.	Professor	N3,500 per hour
ii.	Reader	N3,500 per hour
iii.	Senior Lecturer	N3,500 per hour
vi.	Lecturer I	N2,000 per hour
v.	Lecturer II	N2,000 per hour
vi.	Assistant Lecturer	N2,000 per hour
vii.	Graduate Assistant	N2,000 per hour

University administrators shall ensure that only those entitled are paid the allowance.

3.3 NON-SALARY CONDITIONS OF SERVICE

a. Fringe Benefits

The following fringe benefits, which are currently in place and are included in the conditions of service for academic staff in many universities, should be retained and improved upon:

(i) **Vehicle Loan/Car Refurbishing Loan**

It was agreed that each University shall create a fund for a Vehicle loan/Car Refurbishing Loan scheme. Each academic staff who satisfies the conditions set for the loans by the Governing Council or the University Administration shall be entitled to a Vehicle Loan/Car Refurbishing Loan equivalent to his/her annual basic salary (CONUASS). This loan is repayable over a four (4) year, period with a 2% charge as administrative cost, subject to review by Council. Similarly, a Car Refurbishing Loan of N500,000.00 shall be provided to those academic staff who may want to refurbish their old vehicles. This also will attract a 2% charge as administrative cost, subject to review by Council.

(ii) **Housing Loan**

It was agreed that each University shall procure the establishment of a Housing Loan Fund. A loan equivalent to, at least, eight (8) times of his/her annual salary (CONUASS), shall be granted to each academic staff who meets the conditions for the granting of the loan. The loan shall be repayable within a period and at an interest rate to be determined by the Governing Council of each University.

(iii) **Research Leave**

It was agreed that each academic staff shall be entitled to an academic research leave of twenty-six (26) working days per annum to enable him or her to take advantage of research facilities or opportunities that are not available locally or are available for a short period only.

(iv) **Sabbatical Leave**

It was agreed that the practice whereby each academic staff shall be entitled to a sabbatical leave after six (6) years of continuous service, should continue. For an academic staff going abroad on Sabbatical Leave, the University shall pay the transport expenses of a spouse and four children in consonance with the existing practice.

(v) **Annual leave**

Each academic staff shall be entitled to an annual vacation leave as is applicable in the public service.

(vi) **Sick leave**

Each academic staff who is qualified should be entitled to a maximum of six (6) weeks per year of sick leave if not hospitalised; if hospitalized, he or she shall be entitled to a sick leave of (6) six calendar months with full pay in the first instance, subject to an extension of another six months. Thereafter, a Medical Board shall determine if he/she shall be allowed further sick leave or invalidated from service (as in the May 29, 1999 Agreement)

(vii) **Maternity Leave**

Each female academic staff who is qualified shall be entitled to maternity leave (as in the May 29, 1999 Agreement).

(viii) **Injury Pension**

Each University shall be required to take Group Insurance Cover (as in the May 29, 1999 Agreement).

(ix) **Staff Schools**

- (a) The University shall bear the full capital and recurrent costs of University Staff Primary Schools (as in the May, 29, 1999 Agreement).
- (b) The University shall (without recourse to Government) bear the full Capital Cost of University Secondary Schools while parents bear the full Recurrent Cost (as in the May, 29, 1999 Agreement).

(x). **Provision of Office Accommodation and Facilities**

The individual University Governing Councils shall ensure the provision of a pool of vehicles, office and laboratory Accommodation/Facilities, improvement of communication facilities, and provision of computer facilities for Departments and individual Staff.

3.4 **PENSION FOR UNIVERSITY ACADEMIC STAFF AND COMPULSORY RETIREMENT AGE**

It was agreed that Decree 11 of 1993 and the Pension Reform Act (2004) should be amended to:

- (a) Increase the retirement age of academics from 65 years to 70 years for those in the Professorial cadre.
- (b) Remove certain ambiguities from the provisions that allowed Professors to retire with full benefits, by reformulating these provisions (Pension Reform Act, 2004), as follows:

An academic staff who retires as a Professor in a recognized University shall be entitled to pension at a rate equivalent to his annual salary provided that:

- (i) The Professor has served continuously in a recognized University up to the retirement age;
- (ii) Notwithstanding (i) above, where the Professor has not served up to the retirement age, he shall be entitled to the rate of pension above provided that he or she has served a minimum of 15 years as a Professor in a recognized University; and,
- (iii) Where an academic joins a Nigerian University as a Professor, such a Professor must have served continuously for a least 15 years in a recognized University; and,
- (iv) For the purposes of (i) and (iii) above, continuous service shall include periods of approved National or University assignments.

3.5 FORMATION OF THE NIGERIAN UNIVERSITY PENSION FUND ADMINISTRATOR

For the purposes of managing the Pension funds of university staff, the Re-negotiation Committee recommends to the appropriate university authorities, individually or collectively to:

- a. Establish a National University Pension Management Company (NUPENCO);
- b. Establish a Pension Board of Trustees for each University, created by its Governing Council, with representation from University Management, the Senate, and the University Academic Staff Union and other staff unions; and,
- c. Contract, from time to time through University Governing Councils, a group of university specific pension fund investment consultants for the purpose of advising the individual universities and NUPENCO on the most profitable investment of their Pension funds.

3.6. NATIONAL HEALTH INSURANCE SCHEME (NHIS)

It was agreed that:

- (a) The University Health Centres which qualify as Primary Health Care Providers shall be recognized as such, and NHIS Contributions of University staff registered with them shall be directly remitted to the University Health Centres. University Governing Councils shall ensure that their health centres are upgraded to meet the stipulated requirements for registration set by NHIS.
- (b) University staff, their spouses and not more than four children (under the age of 18) for each family shall be entitled to health care delivery as in their conditions of service.

CHAPTER FOUR

4.0 FUNDING

The Re-negotiation Committee, in order to arrive at the funding provisions stated below, took serious cognizance of the widely acknowledged fact that:

- (i) The key to the survival of our country in the 21st Century lies in its ability to produce applied and theoretical knowledge in science, technology and the humanities; and
- (ii) The task of revitalizing and accelerating the development of the Nigerian University system to become internationally competitive can no longer be delayed, more so if Nigeria is to become a leading economy in the world within the next ten years or so as desired by the Government.

On the basis of the data collected, and their analysis through a rational and scientific procedure, the following funding requirements were projected for a quick and effective **remedy of deficiencies** in the programmes and facilities, and for a systematic upgrading of programmes and facilities that would rapidly advance Nigeria's knowledge production for development. (The justification of the projected figures is in Appendix I "Funding Requirements for Revitalizing the Nigerian University System: 2009 -2011).

4.1 Funding of Universities

It was agreed to recommend that:

- a) All regular Federal Universities shall require the sum of one trillion, five hundred and eighteen billion, three hundred and thirty-one million, five hundred and forty-five thousand, three hundred and four naira (**N1,518,331,545,304**) only for the period 2009 -2011 as follows:

Year	Amount (N)
2009	472,031,575,919
2010	497,531,778,701
2011	548,768,190,681
Total	1, 518, 331, 545, 304

- b.) Each State University shall require three million, six hundred and eighty thousand and eighteen Naira (N3,680,018) per student for the period 2009 – 2011 as follows:

Year	Amount (N)
2009	1,144,075
2010	1,205,880
2011	1,330,063
Total (approximated)	3,680,000

These amounts include Recurrent and Capital Grants, and are based mainly on the disaggregated returns from the universities.

4.2 SOURCES OF FUNDING

4.2.1 Federal and State Governments

The goal of this negotiation is to put Nigeria in a strong position to become a knowledge-based society that will be able to compete and survive in the 21st Century.

To achieve this, the entire education system requires massive funding at all levels. While non-budgetary sources have a role to play, and there must be continuous efforts to identify and use them prudently, the major source of funding education for national development is through budgetary allocation from State and Federal Governments.

With this in view, the Re-negotiation Committee agreed to recommend to the relevant authorities that:

- (a) A minimum of 26% of the annual budget of the State and Federal Governments be allocated to education;
- (b) At least 50% of the budgeted 26% shall be allocated to the universities; and,
- (c) The representation of the Federal Ministry of Education to the Revenue Mobilisation and Fiscal Commission to put education on the “First Charge” be vigorously pursued.
- (d) Being mindful of the processes for meeting this goal of 26% annual budgetary allocation to education as enunciated in the UNESCO benchmark, the Federal Government shall endeavour to progressively increase its budgetary allocation to the education sector in accordance with its vision 20:2020 programme.

4.2.2 Federal Government Assistance to States for Higher Education

It was agreed that the Federal Government should, as appropriate, provide general assistance both to the State Governments that are proprietors of universities and those that do not own universities but need assistance in the area of higher education, as allowed by the Nigerian Constitution (Section 164.1).

4.2.3 Education Tax Fund

It was agreed to recommend that the Education Tax Fund Act be amended to:

- (i) Return the Education Tax Fund to its original conception as Higher Education Fund;
- (ii) Make the Education Tax Fund more effective as an intervention to rehabilitate, restore and reposition Tertiary Educational Institutions in Nigeria in order to develop a knowledge-based society in the twenty-first century;
- (iii) Make for a better representation on the Board of Trustees of the Education Tax Fund;
- (iv) Propose a fair procedure for the disbursement of the fund through the creation of a Team of Experts to assess research proposals submitted to the Board of Trustees;
- (v) Provide a better specification of the areas in which the funds shall be disbursed;
- (vi) Make appropriate specification of qualities of members of the Board of Trustees in order to reflect the change in the conception of the Fund; and,
- (vii) Propose the proportion of disbursement of the funds between the Universities, Polytechnics, and Colleges of Education.(The proposed Bill is in Appendix II)

4.2.4 Petroleum Technology Development Fund (PTDF)

It was agreed that Governing Councils of Universities shall access and effectively utilize funds from PTDF for research, training and development of academic staff. Accordingly, it is recommended that Government shall encourage PTDF to assist Universities in this regard.

4.2.5 Transfer of Landed Property

This was an item of agreement in both the 1992 and 2001 FGN/ASUU Agreements. It was, therefore, agreed that the Implementation Monitoring Committee of this Agreement shall pursue its implementation as appropriate.

4.2.6 Patronage of University Services

It was agreed that the Federal and State agencies shall be encouraged to patronize quality university consultancies, without prejudice to the principle of due process.

4.2.7 Funds from Alumni Association

It was agreed that Governing Councils of Universities shall encourage Alumni Associations to contribute funds to Universities through direct funding, endorsements, bequests, etc.

4.2. 8 Private Sector Contributions

It was agreed that Government shall encourage the private sector of the Nigerian economy, Voluntary Agencies and Philanthropic Individuals, through Tax Relief and other means, to make voluntary financial and material contributions to Nigerian Universities. The private sector shall be encouraged to engage in research collaboration with universities and commercialization of research results.

4.3 Other Sources of Funding

4.3.1 Cost-Saving Measures

It was agreed that each academic department in the Nigerian Universities shall be provided with the minimum set of equipment to enable it to execute its mandate. The collective use of highly specialized equipment of exceedingly high cost through establishment of central laboratories among departments should be encouraged. However, this cannot be a substitute for specialized laboratories in departments. Each University shall arrange its own cost-saving measures.

4.3.2 Duty-Free Importation of Educational Materials by Universities

It was agreed that Universities shall be entitled to duty-free importation of books, laboratory equipment, journals and other teaching and research materials.

4.3.3 Setting up Research Development Units by Companies Operating in Nigeria

It was agreed that Government shall encourage companies registered in Nigeria to intensify their Research and Technical Collaboration with Nigerian Universities within the next ten years, with a view to playing a more significant role in the development of research and relevant technologies in Nigerian Universities.

4.3.4 Three-Year Rolling Plan

It was agreed that Government shall, in respect of University Education, formulate and implement a three-year rolling plan.

4.3.5 Budget Monitoring Committee

It was agreed that, to help in enforcing discipline and ensuring budget performance, each University Governing Council shall set up a Budget Monitoring Committee.

The Committee shall comprise one **elected** representative each, of Congregation, Senate, ASUU, SSANU, NAAT, NASU and the Students' Union, with an external member of the Governing Council as Chairman.

It was further agreed that Government and its agencies shall make public all funds released to Universities immediately after the release.

It was also agreed that each University shall:

- (i) resuscitate and make operational and transparent the democratic budgetary structures and processes provided for in University laws or that were traditional to Universities;
- (ii) utilize funds mainly for (a) effective remedy of deficiencies in programmes and facilities; and (b) systematic upgrading of programmes and facilities; and,
- (iii) be guided by the principles enshrined in the Fiscal Responsibility Act, 2007 and the Public Procurement Act 2007 as well as fiscal transparency.

4.3.6 University Post-Doctoral Fellowship

It was agreed to recommend that each University Governing Council should introduce Post-Doctoral Fellowship Leave with Pay outside Nigeria into the University's Conditions of Service as part of its Staff Development Programme, to be funded as appropriate.

4.3.7 Provision for Teaching and Research Equipment

It was agreed that the provision of up-to-date equipment in each department, to facilitate teaching and research, shall be reflected in the Annual Budget of Universities.

4.3.8 National Research Fund

It was agreed that there shall be a National Research Fund domiciled with ETF, with funds drawn from ETF and other sources and disbursed on a competitive basis.

CHAPTER FIVE

5.0 UNIVERSITY AUTONOMY AND ACADEMIC FREEDOM

The Re-negotiation Committee, in pursuance of the goal of revitalization of Nigerian Universities and objectives set out in the various universities' Enabling Laws and Statutes, and the Universities (Miscellaneous Provisions) (Amendment) Act 1993 as amended by the Universities (Miscellaneous Provisions) (Amendment) Act 2003 and the provisions therein, strongly believes that:

- a. The autonomy of universities and academic freedom should be enhanced and protected;
- b. The protection and enhancement of the autonomy of universities and academic freedom require a greater assumption of responsibilities and commitment from inside the universities themselves, by the university administration strictly adhering to proper operation of the Committee System which is essential for smooth and effective running of the university from the departmental to Council levels. They require avoidance of *ad hoc* committees in academic matters, which tend to undermine statutory committees. They can be secured by allowing, subject to prescribed minimum standards, proper selection or election of Deans, Provosts, Directors, Heads of Department and Members of Committees, promoting self-assurance of students and their participation in the governance of the universities, and by maintaining proper accountability as required by law at all times

AND, the Government, on its part, should ensure that in dealing with the universities, the powers of the university Governing Councils and Senates are fully respected in view of the fact that one source of friction regarding university autonomy is the role and the force of circulars emanating from Government in the operation of the Universities, which, in some cases, have been observed to conflict with statutory powers of University Councils and Senates and undermine due process and fair procedures in the operation of the Universities.

- (iii) There is the need for all sides, that is, Government and the Universities, actively to promote and protect university autonomy and academic freedom in accordance with the goals and objectives of the universities and the law. On its part, the Government in its relationship with the universities shall ensure that its circulars do not encroach on the capability of the universities to run according to their enabling law and statutes. Similarly, Governing Councils, University Senates, Vice- Chancellors, the Departments and the University Committees and Community shall protect and enhance university autonomy by respecting due process, fair procedure, accountability and the law.

AND that in pursuance of these objectives, the following agreement herein contained is reached but its inherent provisions are not to be construed as a manual for running universities.

5.1.1 Membership of Governing Council

It was agreed that to qualify for membership of a University Governing Council, a person shall be a holder, at the minimum, of a regular university degree (as

opposed to an honorary degree); be of proven integrity, knowledgeable in, and familiar with, the affairs and traditions of the university.

5.1.2 Review of Laws that Impede University Autonomy, Academic Freedom, Internal Accountability and Transparency.

It was agreed that all laws that impede University Autonomy, Academic Freedom, Internal Accountability and Transparency, and the speed of internal operations, shall be reviewed.

5.1.3 Sole Administrators for Nigerian Universities

It was agreed that:

- a. There shall be no Sole Administrator in any Nigerian University; and
- b. No acting Principal Officer shall stay in office in that capacity for more than six (6) months.

5.1.4 Pre-Degree / Remedial

In the University System, there is a growing tendency to establish Pre-degree Programmes. Pre-degree Programmes, however, should not be established with the main objective of generating funds. This is the case where a university establishes pre-degree programmes in disciplines which are heavily subscribed, and in many cases oversubscribed in the regular programmes. This practice has had the consequence of lowering the academic standards in the universities as well as harming the country's drive for man-power in certain needed areas. The Re-negotiation Committee, in view of the potential damage of the practice, affirms the necessity of reversing this trend. University Senates should ensure that Pre-degree programmes, where they exist, should be restricted to the sciences and other hardship disciplines.

5.1.5 Pyramidal Structure of Academic Staff Establishment in Universities

It was agreed that the pyramidal structure should neither be abolished nor used as upper limit for establishment.

5.1.6 Expenditure on Academic Affairs

For the universities to develop through research, in the period of rehabilitation and subsequent consolidation, the expenditure by universities must be redirected to financing, predominantly, academic activities and development, in accordance with NUC guidelines.

Although an NUC guideline exists with respect to the balance in expenditure between academic vis-à-vis non-academic activities, this guideline is generally not followed.

5.2 ISSUES THAT REQUIRE LEGISLATION TO IMPLEMENT

5.2.1. Joint Admission and Matriculation Board (JAMB) ACT 2004

It was agreed to recommend that the Joint Admission and Matriculation Board Act 2004 be amended to:

- (i) Provide for better collaboration between JAMB and the Universities in the process of admission of students, in a way *more consistent* with the autonomy of universities.
- (ii) Make the process of admission into universities more consistent with the powers of University Senates as provided for in the Statutes of Universities.
- (iii) To confer on universities power to admit students within the nationally recognized guidelines and to determine additional requirements for admission, without prejudice to the power of JAMB to ensure that the national guidelines are followed in the process of admission. (A suggested Amendment Bill is set out in Appendix III).

5.2.2 Amendment of the National Universities Commission Act 2004

It was agreed to recommend that the National Universities Commission Act 2004 should be amended to make its provisions **more consistent** with university autonomy and powers of Senate on academic matters by deleting certain provisions from the Act. (The suggested text of an Amendment Bill is set out in Appendix IV).

5.2.3 Amendment of the Education (National Minimum Standards and Establishment of Institutions) Act 2004

- a) It was agreed to recommend that the Education (National Minimum Standards and Establishment of Institutions) Act 2004 be amended to:
- (i) Better articulate the coordinating function of the NUC in the accreditation exercise and the establishment of minimum standards;
 - (ii) Provide for the accreditation of programmes through an effective collaboration of the recognized Academies, Professional and Academic Bodies with the NUC;
 - (iii) Provide for an appropriate role of University Senate in the accreditation exercise and establishment of minimum standards; and,
 - (iv) Make the functions of Inspectors inapplicable to Universities and other Tertiary Institutions.

(The suggested text on an Amendment Bill is set out in Appendix V)

- b) It was noted that proposals for the amendment of this Act were being processed by the Federal Ministry of Justice. (See Appendix Va)

CHAPTER SIX

6.0 OTHER MATTERS

6.1 Priority Areas of Implementation

It was agreed to recommend that the following be implemented immediately as priorities:

- a. Setting up of an Implementation Monitoring Committee to commence the process of procuring amendment of laws in respect of those aspects of the Agreement requiring legislation, and to monitor implementation of all aspects of the Agreement.
- b. Amendment of relevant laws as recommended.
- c. Release of funds to meet the obligations of Government as appropriate in this Agreement.

6.2 Machinery for Implementation Monitoring of the Agreement

An Implementation Monitoring Committee shall consist of:

- a. Two members representing the Committee of Pro-Chancellors (CPC), one of whom shall be the Chairman of CPC. The Chairman of CPC shall be the Chairman of the Committee;
- b. The Chairman, Committee of Vice-Chancellors of Federal Universities (CVC),
- c. One member representing the NUC as Secretary;
- d. One member representing the Federal Ministry of Education;
- e. Five members representing ASUU; and
- f. It is recommended that the following be members of the Committee:
 - One representative of the Senate Committee on Education
 - One representative of the House Committee on Education
 - Chairman, Committee of Pro-Chancellors of State Universities
 - Chairman, Committee of Vice-Chancellors of State Universities

6.3 Effective Date of the Agreement

The effective date of this Agreement shall be 1st July, 2009, except that the effective date for the 70 years retirement age for those academics in the Professorial cadre shall notionally be 1st January, 2009

6.4 Periodic Review of the Agreement

- a.) It was agreed that whenever there is a general increase in public sector salaries and allowances, the remuneration of academic staff shall be correspondingly increased.
- b.) A comprehensive review of the Agreement shall be undertaken in accordance with the ILO Convention 98 and within the framework of Medium Term

Sector Strategy (MTSS) and Vision 20: 2020, and in this case by 2012, provided that a review of any of the issues covered by the Agreement may, by notice given by either party, be made at any time.

6.5 Review of Procedure for Negotiations

It was agreed that there shall be a review of the Collective Bargaining machinery in the university system, including procedure and substance of negotiations. All the problems and issues that have arisen on the procedure and levels of negotiations will be resolved at such review, and this is to be referred to the Federal Ministry of Labour to undertake.

6.6 Reinstatement of Academic Staff Sacked at the University of Ilorin 49

The Re-negotiation Committee had originally agreed that the matter of the sacked UNILORIN academic staff should be settled out of court, and this agreement was conveyed to the Federal Government.

The Government Team later informed the Negotiation Committee that the Federal Government preferred that the matter before the Supreme Court be concluded. The ASUU Team insisted that an immediate out-of-court settlement was appropriate and preferable, and should continue to be pursued.

IT WAS AGREED THAT NOBODY SHALL BE VICTIMISED IN ANY WAY WHATSOEVER FOR HIS/HER ROLE IN THE PROCESS LEADING TO THIS RE-NEGOTIATION AND AGREEMENT.

Signed this day of 2009

.....
Dr. B. O Babalakin SAN, OFR
*Chairman, Committee of Pro – Chancellors
of the Federal Universities and Pro-Chancellor
University of Maiduguri*

.....
Professor Ukachukwu Awuzie
*President, ASUU, For and on behalf of the
Academic Staff of Union of Universities*

.....
Deacon Gamaliel O. Onosode, OFR
*Chairman, FGN/ASUU Re-negotiation Committee
and Pro – Chancellor, University of Lagos*

APPENDICES

APPENDIX I

FUNDING REQUIREMENTS FOR REVITALIZING THE NIGERIAN UNIVERSITY SYSTEM: 2009-2011

The Federal Government of Nigeria (FGN)/Academic Staff Union of Universities (ASUU) Re-negotiation Committee for nearly two years was engaged in a process of deep reflection in a search for how to reposition the Nigerian University System so that it can become one of the best in the world. The Re-negotiation Committee realized, as widely acknowledged, that:

- (1) the key to the survival of our country in the 21st Century lies in our country's ability to produce applied and theoretical knowledge in science, technology and humanities; and,
- (2) the task of revitalizing and accelerating the development of the Nigerian University system into one of the best in the world cannot be **delayed** (more so, if Nigeria is to become one of the leading economies in the world as desired by the government).

The urgency of the task of building a viable society in the 21st Century made it necessary that the negotiation be devoted to the goal of repositioning the Nigerian University System to become internationally competitive. To achieve this goal, the decay that has afflicted the system must be halted and there must be clear and decisive commitment on all sides – the government, the Universities and, the Nigerian public.

The Re-negotiation Committee arrived at a consensus on the need for a rational and scientific procedure for determining the funding requirements to begin the process of revitalizing the Nigerian University System. In pursuant of the consensus, the Renegotiation Committee set up a Sub-Committee that identified, collated, analysed and presented data for deriving the information on which an agreement would be made through a rational scientific procedure. The Sub-Committee relied upon information

obtained from international and local sources such as the Association of Commonwealth Universities, Association of African Universities, International Publications such as the United Nations Development Programme (UNDP) Human Development Reports, the Central Bank of Nigeria, Nigerian Universities, Federal Ministry of Education and especially the National Universities Commission (NUC).

The Sub-Committee, on the basis of the data collected, prepared the ground for, rational and scientific estimates and projections of the magnitude of funds needed to begin the process of revitalizing the Nigerian University System. To achieve the desired goal of a globally competitive Nigerian University System, the revitalization funding seeks to achieve:

- (1) a **quick and effective remedy of deficiencies in programmes and facilities**; and ,
- (2) systematic upgrading of programmes and facilities that would rapidly advance Nigeria's knowledge production for development. The Sub-Committee's work produced a fifty three page Report which served as the basis upon which the quantum of funds required in 2009 – 2011 was derived by the Re-negotiation Committee.

The Re-negotiation Committee, having done its own share of painstaking evaluation of the Sub-Committee's presentation, concluded that in order to begin the process of repositioning the University System to play its proper role in national development, the Nigerian University System **urgently needs** the quantum of funds summarized in the **Table II** in the next three years. These funds, if provided and transparently and effectively managed, will constitute a big leap forward and give hope to a country where people are yearning for quality education and a progressive, just and democratic society. The Re-negotiation Committee agreed that the methods used by the Sub-Committee in analysing the data, and calculating the funding requirements summarized in **Table II** are based on sound and rational scientific foundation. The Committee noted that the data used for the analysis were supplied by the universities themselves. In addition, the Sub-Committee Report provides a well considered basis upon which the National Assembly

and State Houses of Assembly will come to know what is required to begin to realize the shared goal of developing knowledge based society. These figures should be viewed as approximating what is necessary to realize the goal.

The Re-negotiation Committee acknowledges the need for Nigerian Universities to make more effort to increase their contributions to their funding through internally generated revenues without compromising the goals and integrity of the Universities. Significant progress has been made in generating revenues internally by several Universities. However, the uneven development of the Universities, their geographical locations, the lack of capital to invest even in clement location, and a host of other factors, make for only limited success in the quest of the universities for fund generation. Universities are expected to do more to generate funds from Alumni Associations, Private Sector contributions, which could be encouraged through Tax Relief, Contributions from Voluntary Agencies and Individuals, patronage of university services, a more productive university-industry relationships and commercialization of inventions.

In the short to medium term, the funds that can be internally generated owing to the factors listed and more, however, would be too limited to provide the needs of the University System for attaining the goal of repositioning it for national development. What is hoped for is that as the system systematically improves its research bases and fund generating drives, the proportion of internally generated revenues will rise significantly. Until then, the government funding should be the backbone of University funding, through Budgetary and non-Budgetary sources. In addition, the non-budgetary contributions to the revitalization project can be enhanced to a great extent through a review of the Education Tax Act.

A university administration that diverts or misuses the revitalization funds should be held responsible and sanctioned while those that effectively use the revitalization funds to remedy and upgrade programmes and facilities should be amply rewarded.

To help in enforcing discipline and ensuring satisfactory budget performance, the Re-negotiation Committee agreed on the necessity for each Governing Council to set up a

Budget Monitoring Committee. The Budget Monitoring Committee is to comprise one **ELECTED** representative each from Congregation, Senate, ASUU, SSANU, NAAT, NASU and Students' Union, with an external member of the Governing Council as Chairman.

Conclusion

In the light of the preceding observations, the Renegotiation Committee agreed to commend to the Federal and State Governments the funding requirements of the University System for 2009 – 2011 in **Table II** as the beginning of the process of repositioning the Nigerian University System for playing its vital role in meeting the challenges of the 21st Century.

Appendix II

SUGGESTED BILL FOR AN ACT TO FURTHER AMEND THE EDUCATION TAX FUND (AMENDMENT) ACT 2003.

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1. The Education Tax Fund Act, 1993 (in this Act referred to as "the Principal Act") as amended, is further amended as set in this Act.
2. Section 1 (1) of the Principal Act is amended by replacing the expression "Education Tax" with "Higher Education Tax".
3. Section 3 (1) of the Principal Act is hereby amended by replacing "Education Fund" with "Higher Education Fund".
4. Section 4(1) of the Principal Act, as amended, is replaced with the following new subsection:

"4 (1) There is established for the management of the Fund a Higher Education Trust Fund Board of Trustees (in this Act referred to as "the Board of Trustees") which shall consist of-

- (a) a Chairman;
- (b) Six persons each representing the six geo-political zones of the country
- (c) The Accountant General of the Federation;
- (d) A representative of-
 - (i) the Minister of Education;
 - (ii) the Committee of Vice-Chancellors of Nigerian Universities
 - (iii) the Committee of Rectors of the Polytechnics in Nigeria.
 - (iv) the Committee of Provosts of the Colleges of Education in Nigeria
 - (v) the Executive Secretary, National Universities Commission.
 - (vi) the Executive Secretary, National Board of Technical Education
 - (vii) the Executive Secretary, National Commission for Colleges of Education

- (viii) the National Association of Chambers of Commerce, Industry,
Mines and Agriculture
- (ix) the Manufacturers' Association of Nigeria
- (x) Oil and Gas Companies operating in Nigeria
- (xi) The Academic Staff Union of Universities
- (xii) The Academic Staff Union of Polytechnics
- (xiii) The College of Education Academic Staff Union, and
- (xiv) The Executive Secretary of the Fund who shall serve as the
Secretary.

5. Section 4 (3)a of the principal Act is deleted and replaced with the following:

“The members of the Board of Trustees shall be persons of proven integrity, knowledgeable in the area of public tertiary institutions and research, having a broad vision of nation- building in Nigeria, representing the education, business and financial sectors”

6. The first part of Section 6 of the Principal Act is renumbered 6 (1)

6. Section 6 (e) of the Principal Act is replaced with the following new paragraph:

6 (1) (e) - ensure disbursement to various public tertiary educational institutions in the country".

Section 6 (j) of the Principal Act is amended by deleting the expression: "or as may be assigned by the Federal Government".

7. The Principal Act is further amended by inserting the following:

Section 7. Team of Experts

(i) The Board of Trustees shall set up Teams of Experts selected from relevant disciplines for the assessment of research proposals submitted to the Board.

(ii) The Board shall refer research proposals received by it to the relevant Team of Experts which shall assess the proposal as to its quality and relevance to national development.

8. Section 7 (1) of the Principal Act is replaced with the following and renumbered 8 (1)

"8 (1)- The Board of Trustees shall administer the tax imposed by this Act and disburse the amount in the Fund to Federal and State tertiary educational institutions to cover the following over time:

Research project deemed important for national development; Inter-Institutional Central Science Laboratory Systems for special research equipment; Procurement and maintenance of research equipment in individual Institutions; Postgraduate Staff Training in Nigeria and abroad; Library Development including the establishment and maintenance of a Central Research Library and a Higher Education Library System; Higher Education Book Development System; Academic Conferences in Nigeria and abroad; International Academic Research Cooperation projects; Establishment of Research Institutes; Establishment of Industrial application linkages and research-based cottage industries by public tertiary institutions; Outstanding Postgraduate Research projects in Public Tertiary Institutions.”; Post-Doctoral Research Projects in Public Tertiary Institutions; Basic Research on the biological, physical, social and cultural environment; and Applied Research to resolve human and societal problems of Technology, Agriculture, Medicine, Humanities and the social sciences;

- (9). Section 7(2) of the Principal Act is replaced with the following and renumbered 8 (2):

"8 (2) - In distributing the tax between the various levels of higher education

- (a) the University section shall receive fifty percent;
- (b) the Polytechnic section shall receive twenty-five percent ; and
- (c) the Colleges of Education Section shall receive twenty-five percent of the tax collected each".

- (10) Section 7(3) of the Principal Act is deleted.

- (11) Section 7(4) of the Principal Act is replaced with the following and renumbered 8 (4) ‘‘The Board of Trustees shall administer, manage and disburse the tax imposed by this Act on the basis of the merit of proposals submitted to the Board, and the consideration of the six geo-political zones of the Federation.’’

(12) Section 7 (5) of the Principal Act is replaced with the following new sub-section and renumbered:

"8 (5) - The Board of Trustees, in administering, managing and disbursing the tax imposed by this Act, shall not discriminate against any person or Institution on the basis of ethnic origin, religion or sex"

(13) Section 8(b) of the Principal Act is replaced with the following new paragraph and renumbered 9(b)

"9 (b) - be a person with a sound academic background and a broad vision of the role of tertiary education and research in national development"

All subsequent sub-sections shall be renumbered accordingly.

(14) Section 18 of the Principal Act is amended by replacing "Education Tax Act" with "Higher Education Tax Act"

JUSTIFICATION OF THE PROPOSALS FOR AMENDMENT OF THE EDUCATION TAX ACT

The Education Tax Act (1993) was the product of the 1993 Agreement between the Federal Government of Nigeria and the Academic Staff Union of Universities (ASUU). Initially conceived as a Higher Education Tax Act, it was turned into an Education Tax Act (covering Primary, Secondary and Higher Education). The Principal reason why President Ibrahim Babangida's regime changed the initial conception was that there was no special intervention fund for any level of education. At the inception of the current Act, there were difficulties in the collection and disbursement of the Fund. The Board of Trustees was unable to perform its responsibilities because there was no money to disburse. The situation changed around 1997/98. The Education Tax Fund thereafter became a major source of intervention in the Education Sector at all levels.

The operation of the Board of Trustees was, however, called into question in 2000 by interested citizens, the Academic Staff Union of Universities, and some legislators who openly alleged mismanagement of the Fund. The complaints and allegations led to an investigation, involving a Public Hearing by the House of Representatives in 2000. The report was written, passed to the Presidency but was never released to the Public.

ETF, as it was operated, had some good effects on the educational system. It did not, however, achieve the level of change which it had the potential to achieve, and which it was meant to achieve. The application of the Fund to all levels of education ensured that it could not be an effective intervention sufficient to **rehabilitate, restore and consolidate** education at **any** level – primary, secondary or tertiary.

In the universities, ETF intervention had no effect whatsoever on the rehabilitation of laboratories, procurements and maintenance of equipment, the development of research, development of academic staff, and teaching, whereas these were the most urgent needs

of the University System. While universities needed rehabilitation and restoration funds, ETF financed the building of gates, sport centres, some token classrooms, token hostels, sponsored conferences on themes having nothing to do with teaching and research.

As Nigeria is searching for a repositioning of its tertiary education institutions in order to develop into a knowledge-based society in the twenty-first century, the development of **research** ought to be a priority. If our country does not begin to make huge investment in **research**, competing, (even) with the best in Africa, e.g. South Africa, will turn out to be an illusion. The drive towards the funding of research will be sustained, no matter the fluctuations in budgetary allocations, if the Education Tax Act is reformed to apply to tertiary institutions only. While the Polytechnics will contribute essentially to the development of Research in technology, the Colleges of Education will contribute Research into various aspects of Education, including the indigenous **and** contemporary modes of learning, the long-unresolved issues of teaching and learning in indigenous languages, evolution of new approaches to teaching Mathematics, and Science, etc.

The chances of effective transformative intervention are much higher if operated with separate funds at separate levels than what obtains according to the present law. The recognition of this principle is tacit in the introduction of separate funding for the Universal Basic Education.

It should be noted, for the avoidance of doubt, that the need to fund primary and secondary education properly is not being under-estimated. On the contrary, it is contended that the needed transformation will not be achieved from ETF funding as it is. It is, in effect, asserted that the UBE, properly organized and operated, is already promising enough intervention.

Primary and secondary level intervention might be improved by further creative intervention as well. The ETF would then be dedicated to providing massive funding intervention aimed at rehabilitating and consolidating Nigerian Tertiary Education Institutions, with a view to transforming them into truly globally competitive centres of learning and research.

The law also needs to be amended to:

- i) Make for a **better representation** in the Board of Trustees;
- ii) Reflect the qualities of the persons who can be members of the Board of Trustees;
- iii) Reflect the proportion of disbursement of the funds between the Universities, Polytechnics and Colleges of Education; and,
- iv) Provide a procedure for assessment of all proposals to the Board of Trustees.

JUSTIFICATION OF SPECIFIC SUGGESTED AMENDMENTS TO THE ETF AMENDMENT ACT (2003)

- 4 (1) Matters concerning the management of the Fund, in so far as they involve the research needs of Nigerian universities, polytechnics, and Colleges of Education should involve the coordinating centres of the University, Polytechnics and Colleges of Education respectively (i.e. NUC, NBTE, and NCCE).
- The inclusion of a representative of oil and gas companies is intended to reflect the need for participation of the sector from which, perhaps, the largest contribution to the fund is derived. Such participation would enhance the effectiveness of getting funds into the ETF; this important contributing sector would have an inside understanding of the need for and the use of funding through membership in the Board of Trustees. The same argument that applies to the oil and gas also applies to the Manufacturers' Associations of Nigeria (MAN) and NACCIMA.
- The existing Education Tax Fund Act (Amendment 2003) Act NO 17 already includes ASUU, ASUP and COEASU in the membership. (Section 4 (1)). The membership of NUT and ANCOPSS would no longer be necessary since the Fund would now be directed only at Higher Education.

Past experience has shown that members of its Board of Trustees need to be of **proven** integrity. Besides, since the Fund is intended for only tertiary institutions, the members of the Board of Trustees must be persons knowledgeable in the history and nature of tertiary institutions, and should have been involved at some level in their operation e.g. as a Chairman of a Governing Council, a Vice-Chancellor, a Professor, a Reader or a Senior Lecturer in a university, or their equivalent in the Colleges of Education and the Polytechnics. Such citizens are to be found in various sectors – in education, business and finance, and the professions. This is the basis of the proposal for the amendment of Section 4 (3)

The Team of Experts

In the new Section 7, the constitution of a **Team of Experts** by the Board of Trustees is proposed. The function of the Committee is to assess all proposals submitted and make recommendations to the Board according to set criteria. The rationale for this is that assessment of the proposals should be reasonably **independent** of the Board. This would ensure knowledge-driven assessment, and will enhance confidence in the objectivity of the outcome. The assessment of received proposals should be done by an organ close to what a RESEARCH Committee does in the Higher Education Institutions. **The Board will only be responsible for disbursing the funds after the Team of Experts has concluded its work and made the appropriate recommendations.** The Board will, of

course, be free to invite to its meeting a representative (or representatives) of the Team of Experts, whenever necessary.

It is proposed that “ as may be assigned by the Federal Government” be deleted, from the existing Section 6j, leaving the Board of Trustees with the responsibility of doing what other things are necessary or incidental to **the objects of the Fund**. (The ETF, being meant to develop education, must not be used for **political purposes** - for party or personal patronage). It is desirable to safeguard the independence and integrity of the Board.

In the amendment of Section 7 (1), now renumbered Section 8(1), the specific areas of funding for which the ETF may be disbursed is proposed. These reflect the areas of intervention that will really make a difference, with focus in the rehabilitation and restoration of tertiary institutions.

In Section 7 (2), now renumbered Section 8 (2), the 50%-25%-25% (Universities-Polytechnic-Colleges of Education) distribution reflects the structure of the existing proportion of the fund that goes to each of the three components - 2.1.1 Universities, Polytechnics and Colleges of Education.

Section 7 (4), now renumbered Section 8 (4), substitutes for the old section, a new subsection which will make for better achievement of the goal of rehabilitating and restoring tertiary education. Tertiary institutions that do quality research exist in all parts of the country and the amendment makes the potential impacts of proposed projects on the well being of the country an important criterion in assessing proposals. However, the inclusion of State and Local Government Councils as **criteria** for the award of funds for research would be unnecessary. Local Governments do not establish tertiary institutions. The “State within Zones” criterion would leave too many states unsatisfied. Zonal criterion makes for manageable distribution, apart from the criterion of merit.

Section 7 (5), now renumbered Section 8 (5), has been substituted to forbid irrelevant discrimination on the grounds of ethnic origin, religious or sex. The consideration of geopolitical zones is already taken care of in Section 7 (4) renumbered Section 8 (4). Reference to different levels of evaluation is no more necessary.

Section 8(b), renumbered Section 9(b) has been amended because it is inadequate, **as it stands**, for the tasks before the Executive Secretary. More than good knowledge in administrative matters is needed. The Executive Secretary should be a person with a sound academic background with a broad vision of the role of tertiary education in national development.

Appendix III

SUGGESTED BILL FOR AN ACT TO AMEND THE JOINT ADMISSION AND MATRICULATION BOARD ACT

Enacted by the National Assembly of the Federal Republic of Nigeria.

1. The Joint Admission and Matriculation Board Act (in this Act referred to as “the Principal Act”) is amended as set out in this Act:
2. Section 5 of the Principal Act is replaced by the following:

5 (1) The Board shall be responsible for –

(a). the general control of the conduct of matriculation examinations for admissions into all Universities, Polytechnics (by whatever name called) and Colleges of Education (by whatever named called) in Nigeria;

(b). the appointment of examiners, moderators, invigilators, members of subject panels and committees and other persons with respect to matriculation examinations and any other matter incidental thereto or connected therewith;

(c). the collection and dissemination of information on all matters relating to admissions into tertiary institutions or to any other matter relevant to the discharge of the functions of the Board under this Act;

(d). the carrying out of such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Act; and,

(e). such other matters as the Board may be directed by the Minister to consider, or the Board itself may consider appropriate in the circumstances.

5.2 (1) The Joint Admissions and Matriculation Board shall:

(i). advertise the vacancies available in each tertiary institution having obtained such information from the universities;

(ii) conduct the matriculation examinations for admissions as in 5 (1)

(iii). send to each university the guidelines approved for each tertiary institution by its proprietor or other competent authority;

(iv). send to each university the preferences expressed or otherwise indicated by candidates for certain tertiary institutions and course

(v). send the results of the matriculation examinations to each university.

5.(2) (2) Each university shall:

- (i) admit students taking account, as appropriate, the results of the matriculation examinations, the guidelines approved for it by its proprietor or other competent authority, and the candidates' preferences.

5 (2) (3) (i) Each university shall send a comprehensive list of the successful candidates to the Joint Admission and Matriculation Board, and

- (ii) The Joint Admission and Matriculation Board and the University shall jointly ascertain the conformity or other wise of the admission process to the established guidelines.

5.3 For the avoidance of doubt, the Board shall be responsible for conducting matriculation examinations leading to undergraduate admissions and also for admissions to National Diploma and the National Certificate in Education courses, without prejudice to discretionary powers of the Senate of Universities and related organs of other tertiary institutions to conduct a screening process, including **further tests**, for the selection of their candidates. The Board shall not be responsible for examinations or any other selection process for post graduate courses or any other courses offered by the tertiary institutions.

JUSTIFICATION OF SUGGESTED AMENDMENT TO THE JOINT ADMISSIONS AND MATRICULATION BOARD ACT

1. Section 5 (2) of the Principal Act: Matriculation Requirements

The provision that JAMB has the power to determine matriculation requirements encroaches on the autonomy of the universities. The Statute of each university confers on Senate unfettered authority with regard to **all** academic matters in the University, including the regulation of admissions, and the conditions for qualifying for matriculation and admissions to the various titles, degrees, distinctions and other awards offered by the University.

2. Section 5 (2): Additional Tests

The Senate of each university, being responsible as the final authority in academic matters, including admissions, should expressly have the power to administer further tests as part of the screening process. The amendment of section 5 provides for this and incontrovertibly legitimizes what has become the practice since 2005 when Post-UME tests were introduced by **Ministerial** directive. The Ministerial directive could not have the force of the law which conferred only on

JAMB the power to conduct examinations for the purpose of admissions into tertiary institutions.

The proposal that the Act be amended to provide for further tests as part of the Senate-directed screening exercise (or screening directed by whatever is the highest academic body in the tertiary institution concerned) for admission is to bring the law in line with the existing practice, whose anchor in the law is, to say the least, unclear. Post-UME tests that are done in virtually all universities exist only on a stretched and forced interpretation of the law.

To safeguard the autonomy of universities and the powers of University Senate over admissions all academic matters including admissions. JAMB, should not be invested with unqualified power to **place** students. Essential and necessary collaboration of JAMB with the universities and other tertiary institutions in the process of admission should be sustained according to express provisions of the law.

Section 17 (2) is not compatible with the autonomy of the university. At any rate, the amendments proposed remove the sources of conflict between JAMB Laws and University Statutes.

Appendix IV

SUGGESTED BILL FOR AN ACT TO AMEND THE NATIONAL UNIVERSITIES COMMISSION ACT

2. The National Universities Commission Act (referred to as the Principal Act) is amended as set out in the Act.
3. The Principal Act shall be amended by deleting 4 (1) b (iii).
4. The Principal Act shall be amended by deleting section 4 (1) f and substituting for 4 (i) f the following:

The NUC shall coordinate budgetary processes for the universities. Grants to universities shall, however, be disbursed direct to Universities.

5. The Principal Act shall be amended by deleting Section 4 (1) (i). All subsequent sub-sections shall be renumbered.
6. The Principal Act shall be amended by deleting Section 4 (i) k. All subsequent sub-sections shall be renumbered.
7. The Principal Act shall be amended by deleting Section 4 (m). An amendment of the Education (National Minimum Standards and Establishment of Institutions Act), from which this section is derived is proposed in 5.2.3.
8. The Principal Act shall be amended by deleting “directives” and replacing it with “advice”

Justification of the Suggested Amendment of the National Universities Commission Act

1. The amendment to remove the function of receiving block grants from the NUC and allocating them to Federal Universities 4. 1(f) is in line with the existing practice, and is in better tune with the autonomy of the Universities and their **Governing Councils**.
2. Section 4 (1) (b) (iii), which gives the power of approval or disapproval of proposals to establish new academic units to NUC is incompatible with the supreme authority of University Senates on all academic matters. It should, therefore, be removed.

3. Subsection 4(1)(i), which gives the NUC the power to undertake reviews of the condition of service of university staff, is a violation of the powers of Governing Councils and their autonomy.
4. Subsection 4(1)(k), which gives NUC the power to act as the agency for channeling all external aid to the universities in Nigeria, is a violation of the powers of the Councils and the appropriate internal university organs.
5. The Minister's overriding power of the Minister's directive to the NUC is a potential threat to the functioning of the NUC according to its own law. It is open to political interference with the operation of the NUC. "Directives" should be replaced by "advice".
6. A proposal on the role of the NUC in the establishment of minimum standards and on accreditation is contained in the proposed Amendment of the Education (National Minimum Standards and Establishment of Institutions Act).

Appendix V

SUGGESTED BILL FOR AN ACT TO AMEND THE EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT

1. The Education (National Minimum Standards and Establishment of Institutions) Act is amended as set out in this Act.
2. Section 10 of the Principal Act is deleted and in its place the following is substituted:
 - (i) “The Power to lay down minimum standards and other institutions of higher learning in the Federation and the accreditation of their degrees and other academic awards is hereby vested in the **National Universities Commission in collaboration with the Academies and Professional Bodies** recognised by the Federal Government, in formal consultation with the Universities for that purpose, after obtaining prior approval therefore through the Minister, from the President.”
 - (ii) For the purpose of collaboration:
 - a. The National Universities Commission shall select the Accrediting Body – The Academy of Arts and the Academy of Science, or the relevant Professional Body, and arrange the accreditation exercise as appropriate.
 - b. The Accrediting Body shall send a Preliminary Report to the National Universities Commission, which shall send the Preliminary Report to the universities. The National Universities Commission shall require each university to return to the National Universities Commission for its comments on the Preliminary Report sent to it, at a reasonable time, **after approval by the University’s Senate.**
 - c. Upon receipt of the University’s comments, the National Universities Commission shall send them back to the Accrediting Bodies for a Final Report.
 - d. The National Universities Commission shall send to each university the Final Report of its accreditation exercise.
3. The Principal Act is amended by inserting in Part ii ‘Point of Inspection’, subsection 15 (2) (e), the following:

“(e) The foregoing provisions shall not apply to the Institutions of Higher Learning.”

Justification of the Suggested Amendment of the Education (National Minimum Standards and Establishment of Institutions)

1. **The establishment of minimum standards and the accreditation of academic programmes** has, in accordance with the existing law, included in the function of the NUC. Section 10 of the Education (National Minimum Standards and Establishment of Institutions) Act. The proposal being made by ASUU for amendment of the relevant Act is intended to improve the quality of the exercise. Its purpose is not to remove the NUC from the **coordination** of the accreditation exercise. The proposed amendment leaves that role to the NUC.
2. However, ASUU feels strongly that the accreditation exercise should not be done by individuals selected once in every five years to assess academic programmes or to set minimum standards. First, the Academy of Arts and Sciences are authoritative, and should be so in matters regarding the establishment of standards and the assessment of programmes. They should be, therefore, the right bodies charged with setting minimum standards and the accreditation of programmes in the appropriate fields. Similarly, the **Professional Bodies and Academic Associations** are in a better position to assess the quality of programmes and academic minimum standards in their various spheres than individuals chosen on special occasions.
3. Thus, the Council Legal Education should accredit degrees and set minimal standards for the Law Faculties, the Nigerian Medical Council for the Medical Faculties, the Geological Association of Nigeria for Geology, etc, The Academies of Arts and Science are in a better position to constantly review the state of the disciplines than individuals who are called once in five years to assess the programmes in **a few days**. The work of Academies and Professional Bodies on accreditation and minimal standards would be less prone to haste and unclean pressure than the work of individuals hand-picked for special purposes. Professionalisation of minimum standards and accreditation is better for the sake of more effectiveness, transparency, thoroughness and truthful assessment.
4. An accreditation exercise that respects fully the statutes of the universities must accord an appropriate role to the **University Senates** in the process.
5. The Law on inspection violates the statutes of the universities, which give to Senates the supreme authority over academic matters (part ii, Section 15). Senates are the supreme authority in academic matters in the universities; including teaching, examination, and discipline concerning teaching and examination. Similarly, in other tertiary institutions, there is a statutory body responsible for academic matters. Section 15 of the Act should, therefore be amended to remove the Tertiary Institutions from within its province.