

The Causes and Resolution of Inter-Trade Union Conflicts in Nigeria: The Case of Nigeria Civil Service Union Versus Association of Senior Civil Servants of Nigeria in Taraba State

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Abstract

The problem which this study set-out to examine is whether the making, implementation and interpretation of the policy which gives workers the freedom of association as trade unions to engage in the practice of trade unionism in Nigeria caused or did not cause inter trade union conflicts at the national and State levels; and how did the policy cause this conflict This study found that there are two major causes of inter trade union conflicts both at National and State levels that is **Psychological and Manifest** causes..The Psychological are the general theories of conflict and the Manifest is the real world issues at stake in the dispute. The Manifest is indicated at the **National level** by way of discrimination on some category of workers regarded as senior staff who as from 1978 to 2004 were not permitted to have their recognised federation of Trade unions at par with Nigeria Labour Congress (NLC) yet it was also illegal for senior staff unions to affiliate with NLC. Another dimension of the conflict was that there were also policy reforms during the military era of the 1990s without consultation with senior staff unions. This was followed with intense propaganda by NLC affiliates that senior staff associations are not trade unions which made some eligible workers not to join senior staff associations at the **State level**. Also there were acts of membership poaching which was carried out by Nigeria Civil Service Union (NCSU) to increase her membership and check- off dues. And indeed the combination of National and State level marginalization activities impacted negatively on the performance of Association of Senior Civil Servants (ASCSN). Consequently the ASCSN opposed these marginalization tendencies through policy reforms advocacy and sought court interpretation of the Trade Union Act /Policies. This inter trade union conflict between NCSU and ASCSN was both on the issues of the formation of central labour organization and jurisdictional scope of affiliates was eventually resolved through the 2005 policy reform followed by the registration of Trade Union Congress (TUC) as a federation of trade union for senior staff associations as well as the Court interpretation that senior staff cannot be members of Nigeria Civil Service Union. These also led to the growth of Association of Senior Civil Servants both by membership and check-off dues. The study recommends that in any process of policy reforms, government should always consult all categories of stakeholders in the industrial relations system so that the policy output would not be one sided and escalate conflict between trade unions.

Keywords: Trade unionism, inter-trade union conflict and conflict resolution

1. INTRODUCTION

Trade Unionism: The ILO Standard

At the international level, policy on trade unionism is the set of principles, actions and decisions taken by International Labour Organization (ILO) over the relationship between employers and their workers and between worker's trade unions. These principles come in the form of International Labour Organization Conventions. The standard set by the ILO (Article 2 of Convention No. 98) on freedom of association is that "*there should be total independence of Workers' organizations from employers in exercising their activities.*" The principle of "*freedom of association*" extends to the rule that public authorities should exercise great restraint in relation to intervention in the internal affairs of trade unions or when there is inter union conflict e.g. by not acting in favour of one group at the expense of another; and that workers unions have the right to elect their representatives in full freedom (ILO Convention 87 Article 3). That is, authorities should not nominate members of trade unions executive councils or even express opinion on candidates and consequences of elections.

Thus labour policy specifically that of "*freedom of association*" otherwise regarded as *trade unionism* is fundamentally seen as the right for a worker to come together with other workers to form and join a recognised trade union to collectively express, promote, pursue and defend their common interest. Some workers take this right as being that of **absolute voluntarism**. That is, unrestricted freedom for workers to initiate the formation of as many trade unions as they may wish, opt out of one trade union for another at the slightest imagination, or remain in a union of one's choice irrespective of the legal restrictions defining the jurisdictional scope of the union. (Okene 2007:53). But in Nigeria, workers have risen to face additional policies, which aim at curtailing the full use or check the abuse of this "freedom of association"

2. CONCEPTUALIZATION

Meaning of Trade unions

The British Trade Union Act of 1913 defines trade union as:

Any combination, temporary or permanent, under the constitution of which the principal objectives are: the regulation of the relations between workmen and workmen, masters and workmen, or masters and masters, or the imposing of restrictive conditions on the conduct of any trade union or business..

The official definition of trade union by the Nigerian Trade Union Act 1973, Laws of Federal Republic of Nigeria 1990 and 2004 is that,

Trade Union means any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether combination in question would or would not apart from this act, be an unlawful combination, by reason of any of its purposes being in restraint of trade and whether its purposes do or do not include the provision of benefits for its members.(Underline mine for emphasis)

From the forgoing definitions, first, trade unions in Britain and Nigeria have the same conception It entails that an individual worker/workman has a weaker bargaining power hence a trade union is necessary. In Nigerian context, a trade union is an association of workers and or employers in a particular industry or firm for purposes of collective bargaining to increase wages/ salaries and keep the business financially solvent. Secondly, the fact that a trade union is composed of men and women, workers and citizens of a country, their rights does not only hinge on making demands for higher wages but extends to overcoming ruling elite actions that tend to create harsh legislation, economic, political and social environment which if not improved would make their employment conditions and earnings valueless. But our concern is that, in spite of the clear objectives of what worker's trade unions stand for, workers trade unions tended to find themselves engaged in conflict and divisions which distracts them from efficient and effective performance of their primary functions.

Scope of Study

In conceiving the subject matter of this paper, "The Causes And Resolution Of Inter-Trade Union Conflicts In Nigeria: The Case Of Nigeria Civil Service Union Versus Association Of Senior Civil Servants Of Nigeria In Taraba State" it is hinged on the assumption these two unions opposed each other on the issue of their respective jurisdictional scope. As such we shall explore the causes of the Conflict by examining the Policy on Trade Unions made at the National and applied at State Level. Furthermore the fact that members of these two unions and their allies are at the forefront of the conflict over the issues of whether the NLC should be or not to be the only federation of trade union in Nigeria, as well as the fact, NLC often comes to defend the interests of NCSU; and in Taraba State, the ASCSN is the backbone of TUC. Since the inception of TUC in Taraba State, the State Chairman of ASCSN is also the Chairman of TUC. Consequently, any attack on ASCSN was an attack on TUC and any attack on TUC was attack on ASCSN. Therefore, the scope of this paper extends to include a discussion on the conflict between TUC and NLC. The study is also interested to explore how the conflict were resolved and what are the impact of the resolution on performance of the trade unions particularly in Taraba State. Taraba State is one of the 36 states in Nigeria located in the North Eastern region of the country. It is here that the sample population for questionnaire administration and the data on the impact of the conflict is mainly taken.

3. LITERATURE REVIEW

3.1 Trade Unionism in Nigeria

Scholars have observed that unity is a vital ingredient for better performance by entities. Hence as far back as 1912 Nigeria workers formed a trade union to express their unity of purpose and action through the Civil Service Union. In studies of the Nigerian trade union landscape, Ananaba (1967) and Adewumi (2007) to name a few correctly stated that up to the 1930s the efforts to have a government recognized industrial unions was still being opposed by Government. However this resistance from Government reduced when the Trade Union Ordinance was passed into law in 1938 which gave workers freedom to register their trade unions. But as the years roiled towards independence in Nigeria, workers presented reasons for division among workers industrial unions and central labour organizations and there came to be multiple trade unions and central labour centers. In the words of Adewumi, (2000: 055-063) the unity was lacking because:-

a combination of ideological, political, structural and personal factors has made it virtually impossible for the movement to attain a level of unity needed to secure concessions from the Nigerian state and the owners of capitalist industry.

He then concluded

that given the unfolding developments within the global and local economies which continue to confer advantages on capital, the Nigerian trade union movement needs to overcome internal

divisions and confront the prevailing situation as a class for itself. (Adewumi 2000:055-063))

The present writer through *content analysis* understands that at the time Ananaba and Adewumi went to the press, their scope of work deliberately left out the conflicts that occurred from 1978 because to Ananaba (1967), it was a future he has not witnessed. But for Adewumi (2007) he chose not to examine and properly inform us about trends in workers union unity from 1978.

An attempt by Peter (2007) to fill the aforementioned historical gap in his appraisal of the enactment of the 2005 Trade Union Amendment Act asserted that the amendment act was politically motivated by the Federal Government because it considered the NLC as constituting itself into an opposition party that must be crushed since there was no provision for that in the 1999 Constitution. Furthermore, that the Federal Government was not comfortable with NLC for its alleged militancy and confrontational approach against some obnoxious and anti-people government policies. According to Peter, the NLC was always calling its members on strike whenever there was arbitrary increase in fuel prices, privatization / monetization policies, sales of government houses/offices to some top and powerful government officials and influential politicians. The government therefore under the camouflage of its democratization, deregulation and liberalization policy decided to break the NLC's monopoly as the only central labour organization by recognizing the Trade Union Congress of Nigeria as another central labour organization and the encouragement of the formation of other federated unions. He further averred

- (i) that the power given to the Federal Minister of Labour and Productivity to register and deregister any of central labor organizations or unions is too wide and uncomfortable for the workers.
- (ii) that notwithstanding the above argument, it should be noted that the trade unions Amendment Act of 2005 makes provision for industrial democracy between labour and management by making room for collective bargaining, and all registered unions in the employment of an employer shall constitute an electoral college to elect members who will represent them in negotiations with the employer
- (iii) that with the establishment of multi-federation (sic) of trade unions in Nigeria, it is envisaged that it would lead to a myriad of problems between the workers, employers and the government.

A critical examination of Peter's paper shows that

- (i) He presented simplistic and incomplete facts about developments in the industrial relations system by saying the federal government was against NLC because NLC was acting as an opposition political party in Nigeria.
- (ii) He did not reflect the role of Senior Staff Association who by default are not the affiliates of NLC and before the 2005 were in conflict with NLC and the conflict ought to be resolved by the government.
- (iii) He was incorrect by saying the NLC has been given the monopoly to represent **all** workers because in policy that is not true.
- (iv) Whereas the Principal Law at the time Peter was writing in 2007 is Trade Unions Act CAP T14 of Laws of the Federation of Nigeria (LFN) 2004, (which updated the Trade Union Act CAP 437 of 1990 to incorporate later Trade Union Amendment Decrees, but Peter writing in 2007, relied only on the 1996 Trade Union (Amendment) Decree as the principal law thus he ignored later decrees that amended the 1996 Decree.

Bearing in mind the saying that *a house divided against itself would not stand* to achieve its mission, it is deduced from Adewumi and Peter's interests on the subject of "unity" and "division" that there is still division among trade unions. One section of worker's unions is suppressing another Section. It is therefore the interest of the present researcher to attempt to fill the historical gap in existing literatures, by examining inter trade unions relations with the aim of determining the factors that caused inter trade union conflicts and how the unions tried to resolve the causes of conflict.

Otobo (2000) examined the industrial relations environment in Nigeria and acknowledges that it is also a complex system and is still at a low level of industrialization. The industrial environment in Nigeria is still low because primitive subsistence agriculture is still dominant and *the allocation of roles in society is by ascription based on sex and age and landed and other resources of economic value are communally owned*; hence there are no factories and industries for the production of more and better goods and services. Otobo (2000) examined trade union organizations, work and work place relations, industrial democracy collective bargaining, conflict at work, the role of the State and social values. The present researcher while agreeing that it is traditional to discuss industrial relations in the above perspective of labour-employer relations, there is also need to further examine how trade union members also contribute in generating and regenerating conflicts. This would enable us understand why trade unions are sometimes not united and have not performed satisfactorily in achieving

their legal objectives

3.2 The Causes of Conflict theories

Conflict is a complex phenomenon. It has both elements of rational and irrational decision making. When it starts between two persons or groups there is a high tendency for other persons to take side with one of the disputing parties. It spreads by involving other persons and territories as allies; or its outcome influences decisions of other persons or decisions in other territories as they try to resolve their respective conflicts. Also as conflict becomes protracted its complexity increases to produce a remote and immediate causes of the conflict. Still conflict presents itself as internal, intra or within a group and / or exists as external, inter or between distinct groups. In an attempt to understand conflict many theories have been advanced. It means no one theory that can explain all the causes and solutions to conflicts. However, for the purpose of this study we shall consider some theories to enable us understand the general psychological motivations that cause conflicts and who has the responsibility to resolve the conflicts and how that could be done.

3.2.1 The Needs Theory of Conflict

Galtung(1969) looking at conflict from the perspectives of solutions speaks of the *needs theory* as being responsible for conflict especially where some of the needs are seen as negotiable while others see them as not negotiable, especially during a State of emergency/war. He then asserts that the responsibility for solving structural violence lies on those who have the greatest influence within the system where violence occurs because if they fail to resolve they would also suffer the negative effects of the conflict. Further, from the perspective of “*the drive for needs*” theory by Maslow, Burton, Davies to name a few, the drive to fulfill certain needs does not cease notwithstanding the presence of some obstacles and suppressions, until the need are achieved.

3.2.2 The Inherent theory of Conflict

There is the inherent theory of conflict which suggests that conflict is a natural and normal occurrence in the society because of goals incompatibility, especially in a complex highly differentiated society, but with proper management violent conflict can be eradicated. Thus where violence occurs it is as a result of poor management. This is grasped in the words of Mary Parker Follet as follows when writing on *constructive conflict*:-

I should like to ask you to agree for the moment to think of conflict as neither good nor bad; to consider it without ethical prejudice; to think of it not as warfare, but as the appearance of difference, difference of opinions, of interests. For that is what conflict means—difference. ... As conflict is here in the world, as we cannot avoid it, we should, I think, use it. Instead of condemning it, we should set it to work for us (Mary Parker Follett 1925).

Constructive conflict therefore requires resolution of the conflict to reap its benefits. According to Follet, there are three ways to respond to conflict: **Dominance, Compromise and Integration** but integration, is a better approach. It creatively incorporates the disputing party’s fundamental desires/interests into the solution (roiword.wordpress.com/.../mary-parker-follet-constructive-co). The present writer observes that the problem with insisting on integrative approach all the time is that it discourages the application of deterrent justice and encourages indiscipline and protracted conflict.

3.2.3 Contingency Theory of Conflict

There is also the contingency theory of conflict which Eckstein H. (2005) says an event or conflict occurs not because it is by nature for the persons involved to be fomenting troubles. However, the conflict between individuals occurs because of incompatibility and the circumstances in which they found themselves.

3.2.4 Scarcity Theory of Conflict

Coser (1957:8) regards conflict as a “*struggle over values and claims to scarce status, power, and resources in which the aims of opponents are to neutralize injure or eliminate their rivals.*” Conflict thus has some positive functions for the party who successfully eliminates his rival. While it is bad for the injured party or still it may result to temporary or permanently win-win or lose-lose situations.

3.2.5 Competition Theory of Conflict

Self (1977:87) like Coser (1957: 232-236) sees conflict as having to do with moving away from the stage of competition (which was no direct action of one party to interfere with the on-going actions of the other) to a stage of direct action where there are interference, and resistance and can be seen in opposing –

wishes within ourselves, in the clashes between others whom we observe, and in the struggles against those we ourselves oppose. And according to our temperament and experience, we seek it or avoid it, fear it or enjoy it, call it sickness or call it life...the aims of the conflicting parties are not only to gain the desired values but also to neutralize injure or eliminate their rivals (Self 1977:165).

Self presented an ‘analogy of competition and conflict’ between departments and agencies. He said each agency is pictured as occupying a policy zone which comprises a heartland, and interior zone, a no man’s land, and a periphery. Agency A’s heartland is its exclusive Zone of operation, but A’s interior zone, though mainly under

its control may be a periphery zone for other agencies. No man's land is where agencies compete on roughly equal terms'. In the process of the expression of various interests, crises and conflict do arise.

3.2.6 Territorial Imperative theory of conflict

This theory according Best (1999) says that in human and animal kingdom, there is an exclusive territory, that is, *an area of space which an animal or group of animals defends as an exclusive preserve. It is within such territory that the basic needs and interests of such animals are gratified. These needs include security of space and food, identity, prestige, etc. They therefore defend such an area at all cost and strive to keep out those who undermine their interest and needs...Conflict erupts when the claims of one party to land and territory becomes incompatible with the desire of others to satisfy their own basic interest and needs within the same physical territory* (Otitte and Albert ed. 1999:84)

Relating the above analogies by the *Competition theory of Conflict* with *Territorial Imperative theory of conflict* to trade unions, it can be said that **jurisdictional scope** of trade is the territory of trade unions. It is within this jurisdictional scope that the needs of membership, check-off dues and programs of the union can be achieved. As such where a union believes in this and wish to make progress within this scope, such a union may have to aggressively defend it where it is necessary.

3.2.7 Trade Unions Conflict theory

First, the present writer concurs with the view that conflict is an inevitable phenomenon and has many causes, which should be studied and controlled so as to remain united in action for the common good. In **labour-management relations** conflict theory of trade unions dates back to the time of Karl Marx where he theorized that

The history of all hitherto existing society is the history of class struggles. Freeman and slave, patrician and plebeian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another carried on an uninterrupted, now and hidden now open fight, a fight that each time ended, either in a revolution reconstitution of society at large, or in the common ruin of the contending parties (Taylor 1980:79).

From this Karl Marx and the present researcher are in agreement that in Nigeria's industrial relations system, conflicts also exist and it is between the haves (capitalist) and have not (Proletariat/workers). The way forward for this inevitable struggle is for the have-nots (Proletariat/workers) to unite under responsible trade unions. But

3.2.8 Non Compliance Theory of Conflict

Dudley (1973:20) asserts that, non compliance with laid down rules could cause conflicts, of course when enlightenment leads to its discovery and rejection. The present writer concurs with Dudley because it is expected that values and norms / policies of trade unions and indeed the entire country are complied with. But at the same time there is likely-hood that a section of one of the opposing groups in the industrial relations system may want to disobey the laws of the land or organization. This no doubt could lead to conflict. This is more so where the rules are regarded as alien, imposed or not made with the consent of the members of the group. The resultant conflict may arise to change the unacceptable situation.

4.GOVERNMENT AND CONFLICT RESOLUTION

4.1 The institutions

In an effort to be able to manage conflicts for a cordial industrial relation, the Nigerian Government established Policy making, implementation and Advisory Institutions such as the Federal Ministry of Employment Labour and Productivity and National Labour Advisory Council respectively (Ahmed-Gamgum 2012:71-75). It is interesting to further state that with the emergence of democratic system of government sustained by the Constitution of the Federal Republic of Nigeria 1999 the National Assembly as the legislative arm of the Federal Government. In addition to the existence of regular Courts which interpret the laws of the country,, the Government also in trying to provide industrial peace established specialised adjudicating institutions for the resolution of employees-employer and intra and inter trade union conflict or disputes. That is, the Industrial Arbitration Panel (IAP) and National Industrial Court (NIC). In 2010 the Government through the National Assembly went further to amend the 1999 Constitution of Nigeria to grant Constitutional powers to the NIC (Ahmed-Gamgum 2012: 75-77).

5.STATEMENT OF THE PROBLEM OF INTER-TRADE UNION CONFLICT

In the succeeding sections therefore, we intend to make an evaluation of the making, interpretation, reforms and enforcement of the Trade Union Act in Nigeria. That is, whether it met the ILO standard and workers expectations of full *freedom of association* or not; whether the desire and pursuit of *freedom of association* caused inter trade union conflicts or not. What efforts were made to resolve inter trade union conflicts? To do this the following research questions emerge to guide us:-

- (1) Are there contradiction **within** the Nigerian Labour policy /law on the formation and joining of trade unions
- (2) Are there contradictions **between** the Policy/Law and practice of the policy, which in turn was responsible for inter trade union conflict in Nigeria?
- (3) Did this conflict cause other actors in the industrial relations system to intervene in order to resolve the conflicts?
- (4) How did the resolution of the conflict impacted on the performance and service delivery by the trade unions and federation of trade unions in conflict?

6. METHODOLOGY

In other to generate adequate data for this study, two major methods of data collection were used. These are (1) Unobtrusive methods and (2) Obtrusive Methods (Nachimias and Nachimias 1981).

6.1 Unobtrusive Method

Unobtrusive method otherwise secondary sourcing of data is the use of nonreactive objects for a study. It is *learning about human behaviour by observing what people inadvertently leave behind them* (Barbbie 1986:266). This method is basically library research / *content analysis*, (Nachimias an Nachimias 1981) that is, the analysis of communications to find out who says what, to whom, why, how, and with what effect? Thus, content analysis is where relevant documents on the subject matter are examined or analysed to extract data on past events. With the use of the technique of *contents analysis* the extent to which policy information is made and distorted during implementation to e.g. create crises among trade unions and between trade unions and employers e.t.c. would be discovered. The nonreactive objects for analysis in this study are documentary sources which include *relevant or sampled* laws, books, circular letters, petitions, newspapers, magazines, trade union bulletins, court judgements, annual reports, and minutes of meetings to provide us facts and figures. Thus, these sources provided both primary and secondary data. They are the *manifest content focus* or unit of content analysis. In respect of determining the *latent content*, that is, the meanings contained within communications, it requires judgments on the part of the researcher (Tyrus H. 1964 and Ahmed Gamgum 2012).

6.2 Obtrusive Method.

This Method otherwise regarded as primary source of data is concerned with (i) conducting interviews (ii) Administering questionnaires (iii) engaging in participant observation to elicit responses

6.2.1 Interviews

This is a research method for collecting supplementary data after the use of unobtrusive method. The interview technique requires interpersonal approach. That is, there is a face-to-face contact and communication between the interviewer and the respondent. The interviewer receives his feed-back immediately and verbally. At the same time the researcher records the response. Questions for the interview are asked from some designed questions, structured in accordance with any of the following styles: (a) *Schedule structured Interview*: where questions to informants are followed step by step. That is, it was presented serially without interjecting with probing questions (questions not on the list of Interview questions) (b) *Non-schedule structured interview*: this does not require strict presentation of questions as structured so that the informant can freely express his views about any probing questions that may be introduced in the course of the interview and (c) *Non-Schedule interview*: This does not require any pre-planned set of questions format, and there is no prior appointment for the interview. Rather the interviewer creates a natural scene for the rapport. For the purpose of this study the *non-scheduled structured interview* was adopted.

6.2.2 Questionnaires

Questionnaire is the main instrument used for conducting opinion survey research in other to make quantitative as well as qualitative analysis. It contains questions to be answered by filling in the answers by the informant. Some of the questions maybe open-ended for the purpose of obtaining general information or closed-ended to enable the researcher present options to the informant to make a choice from. Unlike the interview Method, which is interpersonal in approach, questionnaire is impersonal in approach. Questionnaire was used for the collection of primary data from respondents to determine the extent of agreement or non agreements on the cause of inter trade union conflicts, the role of government, membership and performance.

(a) Population Sample

This is the sample of the target population (public sector trade union members) from which data was obtained. All together a total 140 workers in Taraba State served as respondents. To ensure balanced evaluation of the problem under study from the perspective of all stakeholders, the respondents are stratified (Table 1.1) into:

- I. State and Federal Government Officials (GO) as agents of employers. The Government Officials (which incidentally are also Union members) is 2/3 of total sample, that is 20 and was randomly selected

- II. Trade Union Officials (TUO). The Trade Union Officials is $\frac{3}{4}$ of the total sample, that is, forty was randomly selected
- III. Trade union Members (TUM) The Trade Union Members is $\frac{1}{2}$, that is, eighty was randomly selected.

Table.1: Population Sample of labour policy stakeholders in Taraba State.

GOVERNMENT OFFICIALS	NIGERIA CONGRESS (NLC)	LABOUR TUM	TRADE CONGRESS (TUC)	UNION TUM	TOTAL
	TO	TUM	TUO	TUM	
20	20	40	20	40	140

Key: GO = Government Officials
 TUO = Trade Union Officials
 TUM = Trade Union Members
 NLC = Nigeria Labour Congress
 TUC = Trade Union Congress

The above spread of population sample (Table 1) ensured that major actors in the industrial relations system in Taraba State are fairly represented. For timely returns, the services of research assistants were employed to administer and collect the questionnaires.

6.3 Data Analysis

Data analysis is the use of statistical steps and formula to interpret data. It begins with ordering and breaking down of the sample population and data into constituent parts to reflect the category of questions and answers provided to the questionnaire. In this study, first, *purposive sampling technique* (Lipsey 1979) was adopted to categorise the informants (Table 1 above) into three major groups to ensure that the views and opinions of labour policy stakeholders in Taraba State was captured. The raw data obtained from the questionnaire is categorised and presented in simple statistical tables of percentages (Ahmed-Gangum 2012) while data from other documents is summarized and discussed in averages. Also where necessary charts as pictorial impressions are presented for ease of understanding.

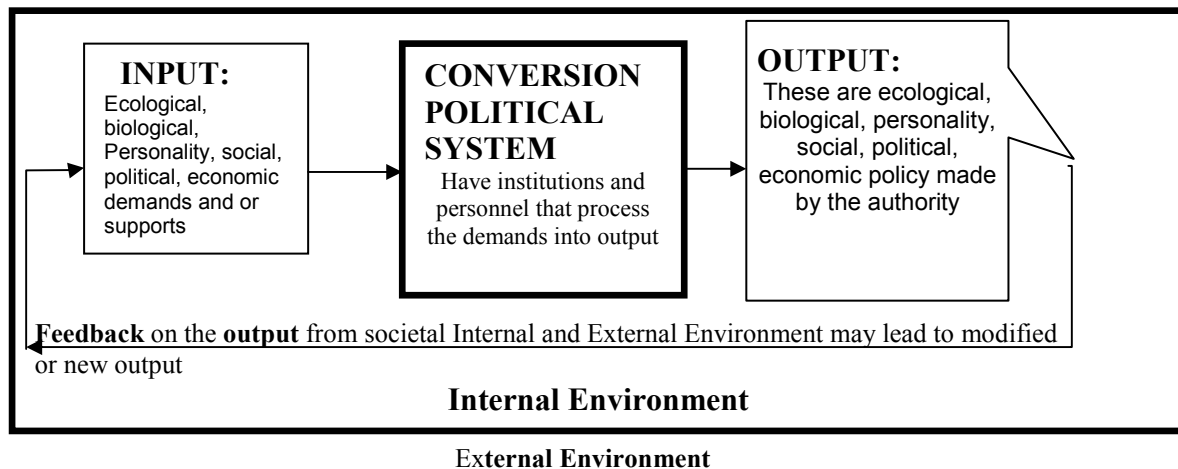
6.4 Interpretation

First, interpretation takes the form of making explanation from the perspective of a theoretical school of thought, which in this study is the *systems theory* and is explained in next section of this paper. Secondly, since social change and development is a process, our presentation was not just a presentation of isolated attitudes, events and facts. Rather data collected by library research and interviews methods was interpreted and presented using the *historical approach* (Whitney 1982:132 and Osuala 1982:142). This is also known as qualitative approach. It involves integrated description or narration of past events with emphasis to chronology. Thirdly, this was juxtaposed with quantitative approach where statistical data was available to interpret situations. Fourthly, *normative perspective* is important (Oppeinheimer and Norman: 1978:138) and Dahl (1976:14). It is important because of the need to understand the role of government officials as representatives of the people vis-a-vis laid down standard for government behaviour to enable us to evaluate the outcome and impact of policies.

7. THEORETICAL FRAMEWORK OF ANALYSIS

In the light of the above, this study was guided by the use of David Easton's Political System Theory, (Fig 1 below) to explain the fundamental issues in the conflict between the post 1978 trade unions in Nigeria and the role of other actors in the Industrial relations system to resolve inter-trade union conflict. As the diagram shows there are three squares. The one to the left is for **Input** the middle for **Conversion** activities and the third to the right is for **Output**. The rectangle surrounding the three squares represents the larger society. The Political System also has an internal and external environment. The internal environment is composed of political, economic, ecological, biological, social etc sub system while the has international political, ecological, social e.t.c. systems

Figure 1: The Estonian political system model



Source: Adopted with modification from Easton, David (1965). *A Systems Analysis of Political Life*, New York, S.32; en.wikipedia.org/wiki/**David Easton** - Cached –accessed 24-09-2012

It is further significant to note that first, systems theory asserts that political system and its subsystems engage in authoritative allocation of values as an end-product of control, influence and power possessed. Second, system theory is premised on the ground that organizations are a part of a larger social system environment. Third, the various subsystems in the social system must relate with the larger social system. Fourth, in the spirit of cooperation each subsystem being part of the larger society, carry out their respective functions as contribution towards the survival, balance, or equilibrium of the larger society. Fifth the function of the subsystems produce policies These policies are seen as output of the political system (Thomas 2005:26), Ikelegbe 1996:31-33) and Dahl (1976:3) From this interaction a political systems is any persistent pattern of human relationship that involves to a significant extent the use of control, influence, power or authority within the system. In other words the larger political system in our study is Nigeria. Within the Nigerian environment there are organizations, that is, subsystems that generate demands (articulated needs) and support behaviors like obeying laws and making demands which are **inputs** to policy makers, that is, those who have authority, power and exercise influence and control within the system. The policy makers are the components of the **conversion process**. Their duty is to convert the inputs to policies shown in the model as **output**. However, elite theory also reminds us that the output from the system in the name of public policy often is a reflection of “*the values and preferences of the elites*” (Ikelegbe1996:3). The **feedback** loop is a report on how the output is faring, impacting, or affecting the operations of the organizations and people.

8. FINDINGS:

8.1 *The Manifest Causes of inter-trade Union Conflict in Nigeria: From 1978*

Ahmed-Gamgum (2012) in his study’s Questionnaire, Question No. 9: instructed respondents as follows “*Arrange the factors below from the most important cause of inter trade union conflict in Taraba State? Indicate serial number 1 to the most important factor and 2 to the next most important and down to the seventh.*”

From the responses (Table 2 below), in respect of the conflict over the formation of another federation of trade union **or** not, a majority of respondents (22.5%) ranked *the desire by Nigeria Labour Congress to continue to enjoy legal monopoly as the “only Central Labour Organization” granted by the Trade Union (Amendment) (Decree No. 22 of 1978 and Trade Union Act 1990), is the principal reason for the conflict between NLC and TUC in Nigeria* while 21.6% ranked *the call on the Federal Government since 1980s to register a second Federation of trade union for senior staff associations to be at par with NLC* as the second principal reason for the conflict with NLC.

In respect of the **Conflicts between the affiliates** of NLC and TUC, 16.6 % of Respondents agreed that *the desire to improve union membership, check-off and welfare dues led the Nigeria Civil Service Union to seek unionizing “all workers”* This is responsible for the opposition to NCSU by ASCSN; while 13.3 % of Respondents ranked “*The desire to improve union membership, check-off, welfare dues and leadership propelled Association of Senior Civil Servants to oppose the moves by Nigeria Civil Service Union to unionise “all workers” as the fourth factor.*”

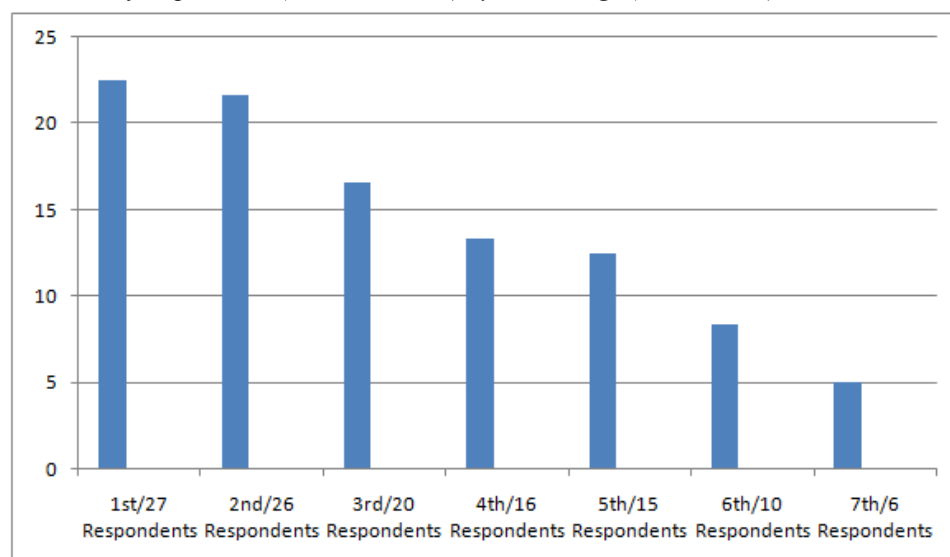
Table 2: Response in respect to Ranking of the major causes of inter-trade union conflict in Taraba State

RANKING OF CAUSES OF CONFLICTS BY RESPONDENTS	CAUSES OF CONFLICT	NUMBER OF RESPONDENTS	PERCENTAGE
1	The desire by Nigeria Labour Congress to continue to enjoy legal monopoly as the only Central Labour Organization as granted by the Trade Union (Amendment) Decree No. 22 of 1978 and Trade Union Act 1990	27	22.5%
2	The call on the Federal Government since 1980s to register a second Federation of trade union for senior staff associations to be at par with NLC	26	21.6%
3	The desire to improve union membership, check-off and welfare dues led the Nigeria Civil Service Union to seek unionizing “all workers”	20	16.6 %
4	The desire to improve union membership, check-off, welfare dues and leadership propelled Association of Senior Civil Servants to oppose the moves by Nigeria Civil Service Union to unionise “all workers”	16	13.3 %
5	The believe that executive arms of government have taken side with one of the trade unions even when such a union was wrong in its claims of jurisdictional scope	15	12.5%
6	The inability of NLC and TUC in Taraba State to keep to the terms of agreement between them on how to share financial assistance given to them by government for May Day Celebrations	10	8.3%
7	Interpersonal show of superiority conflict between union leaders	6	5 %
TOTAL		120	100

Source: Field Survey by author 2012

The above ranking is represented in Fig 2 below for clarity.

Fig.2 The ranking of the factors responsible for inter trade union conflicts in Nigeria (factor serial number / Number of respondents (Horizontal axis) by Percentage (vertical axis)



8.1.1 Internal Contradiction within the Policy

A *content analysis* of other sources of data provides the following information. First, the policy as contained in the Trade Union Decree No. 22 of 1978 and the Trade Union Act 1990 recognised Nigeria Labour Congress as the “*only Central Labour Organization*” Yet the same policy regards some trade unions as Senior Staff Associations (that is union for officers on Grade Level (GL) 07 and above) and they cannot be affiliates of NLC. Furthermore the senior staff trade unions have no officially recognised Federation of Senior Staff trade unions. Secondly, the policy claims all workers have the right to form new or join existing trade unions, but unlike workers in the unions affiliated to NLC who enjoy this freedom the senior staff are classed as “*projection of Management*” and so have been instructed by the policy not to be active in trade union activities. Thirdly, the policy anticipates that where there may be a demand for the registration of another federation of a trade union the Registrar of Trade Unions may take steps to register such a federation. The provision of the Act precisely states that the Registrar may make special provision with respect to future federation of trade unions which may come into existence” [subsection (3) of section 54 of Trade Union (Amendment) Decree No.22 of 1978]. The discretion given to the Registrar contradicts the earlier position of the Act which states that the NLC is the only Central Labour Organization. It thus places the Registrar of trade unions between the devil and the deep blue sea

9.0 CONFLICTS LAW MAKING IMPLEMENTATION AND INTERPRETATION UNDER THE MILITARY ADMINISTRATION

9.01 The first contradiction between policy and practice in respect of jurisdictional scope of NCSU and ASCSN

Though senior staff associations were not affiliated to the NLC, the policy stated that “*the trade unions have all the powers and duties of trade union registered under this decree*” and it would be an offence for an employer to fail in recognizing all the trade union under this Decree [section 5(7) and section 22 of Trade Union (Amendment) Decree No.22 of 1978]. In particular the States and NCSU refused to recognize the Association of Senior Civil Servants as a trade union and gave the union dues of ASCSN to NCSU. The State Governments were reluctant to automatically remit the union dues to ASCSN. The politically conscious members of the Association of Senior Civil Servants knowing that their union is a trade union registered under the Trade Union Decree and Act took action to stop NCSU from collecting their dues. The Association of Senior Civil Servants; in Lagos State filed a case at Industrial Arbitration Panel and secured favourable ruling. But NCSU appealed against the ruling at the National Industrial Court but lost in 1995. The NIC ruling is that

- (i) *Association of Senior Civil Servants of Nigeria is entitled to unionise Civil on grade levels 07 and above, including those of them in the personnel Assistant cadre (formerly Executive Officer cadre) except those who are typist/stenographers, nurses and midwives, pharmacist and medical technologist.*
- (ii) *The Nigerian Civil Service Union is entitled to unionise civil servants on grade level 01-06 excluding Customs, immigration, Technical, Typist and stenographers*
- (iii) *As from the date of this judgement i.e. 27th June, 1995 union dues deducted from civil servants on grade level 07 and above should be paid to Association of Senior Civil Servants of Nigeria. Monies already paid contrary to the present ruling of this Court should not be disturbed. The appeal therefore fails and therefore is dismissed judgement is entered accordingly*

To change the 1995 quasi law made by way of interpretation from the National Industrial Court, in 1996 the Nigeria Labour Congress, Nigeria Civil Service Union and Federal Military Government without consultation with the Association of Senior Civil Servants secured by Decree the jurisdictional scope that NCSU shall unionise all workers but the same decree did not proscribe the ASCSN. This contradiction encouraged the ASCSN to continue to battle for its members and union dues. While the Government especially at the State level continued to be adamant to the yearnings of the ASCSN. As a way forward out of the contradiction between the court ruling and the 1996 Decree, the ASCSN kept on mounting pressure on the Government.

Eventually in 1999 the Federal Military Government came out with another Decree which amended the 1996 Decree. The 1999 Decree repealed the 1996 Decree and restored the rights of ASCSN to unionise senior staff. Unlike the 1996 Decree the 1999 Decree defined the scope of NCSU as being to unionise **junior** workers.

In spite of the repeal of the 1996 Decree the NCSU and the State Governments refused to comply with this definition and NCSU petitions against any contemplated action by the State to the favour of ASCSN made reference to only the 1996 Decree to justify its jurisdictional scope claims.

9.02 The second Contradiction between the Policy and Practice: NLC and TUC Conflict at the National Level

The policy on the registration of Federation of Trade unions from 1978 was that the Registrar of Trade Union “*shall register the Nigeria Labour Congress as the only Central Labour Organization without any condition and for the purpose section 34 of this act*” (section 33 Trade union (Amendment) Decree No 22, 1978; section 33 Trade Union (Amendment) Act, 1990;) that is, “*34(1) (a) to represent the general interest of its members on any*

general advisory body set up by the government of the Federation”... The policy went further to state that “(4) it is an offence for any trade union not specified in part A of the Third schedule to this Act to affiliate with the Central Labour Organization”. (section 33 (4) Trade Union (Amendment) Act, 1990;) Because of this, from 1978 when the 1973 Trade Union Act was amended the senior staff felt discriminated for not having their federation of trade union registered immediately and unconditionally like the NLC in 1978. Nevertheless, for effective coordination as from 1978, all senior staff associations as trade unions held their joint meetings under a forum called Federation of Senior Staff Association of Nigeria (FESSAN) but later changed its name to Senior Staff Consultative Association of Nigeria (SESCAN), and was registered under the Land Perpetual Act of 1968, When they were denied registration by the Registrar of trade Unions under the Trade Union Act. And from 2003 it further changed its name to Trade Union Congress (TUC) and had 24 trade unions affiliated to her. Even with this development cordial and effective participation in Labour-Government relations was far from being enjoyed by the Senior Staff Associations. This meant that from 1978 FESSAN / SESCOAN / TUC operated as the unofficial and second federation of trade Unions. The senior staff felt that the lack of immediate registration under the Trade Union Act was because of the strategic position of the NLC as the only legally registered Central Labour Organization. This strategic position enabled NLC to enjoy federal Government financial assistance and made effective opposition to senior staff demands.

9.03 The Third Contradiction between the Policy and Practice: Some senior Staff decided not to exercise their rights of trade unionism

At the affiliate level, some senior staff associations were mostly not functioning because of the campaign that senior staff are *projection of management* and so senior staff association members were not active union member and did not hold elective union leadership positions. In Taraba State serious effort organise ASCSN began in the year 2000. Because of this, since the creation of Taraba State in 1991, it became an opportunity NCSU to collect the union dues of senior staff. And none of this senior staff raised individual protest over his or her dues going to NSCU. Some of this category of senior staff did not also border to hold union positions of ASCSN because of their desire to be in the good books of State Government in anticipation of being to being appointed to top government management positions. Furthermore the fact that benefit from NLC negotiations e.g. salary increases was automatically given to all workers, there was no need to operate another union like ASCSN and TUC but support all strikes declared by Union leaders. Consequently, the NLC officials alone were regarded to be the only ones challenging and negotiating with Government for workers demands. It is interesting to note that this perception and engagement in collective bargaining by NLC on behalf of all trade unions not affiliated to NLC was contrary to the policy that the *Central Labour Organization shall not engage in collective bargaining on behalf any trade union or federation of trade union except it is requested to do so* (Section 34 (2) Trade Union Act CAP 437, 1990). The question that remains is with the demand for registration of SESCOAN/TUC and in the process of past collective bargaining, did the ASCSN and SESCOAN expressly requested NLC to bargain on its behalf or not? Be that as it may, the issue on ground, the rhyming of interest (i.e. salary increase) expected to be gained by all workers at a particular time determined the low or lack of conflict, disunity and disagreement between NLC and trade unions not affiliated to NLC. Thus in the absence of anticipated salary increase, intense disagreements between NLC and SESCOAN was inevitable to achieve the desire for another federation of trade union for senior staff or prevent the achievement of that desire.

From the foregoing, it could be stated that the primary cause and motivation for the unilateral decisions restructuring of the jurisdictional scope of trade union in Nigeria by the Federal Military Government in conjunction with Nigeria Labour Congress and its affiliates is the insatiable desire to increase their union's check-off dues, as was the case of NCSU and ASCSN. This is because the more members an affiliate union (NSCU) has the more funds in the affiliates treasury and consequently that of central labour organization. As for the NLC alone, it has the desire to remain the only Central Labour Organization in Nigeria to be the only organization to enjoy relationship with the Government. And the best way to achieve these objectives was through policy instruments that gave them legal backing (Ahmed-Gamgum (2012).

10. 0 CONFLICT LAW MAKING IMPLEMENTAION AND INTERPRETATION UNDER THE CIVILIAN ADMINISTRATION

10.1 Law Making

Following the introduction of the 1999 Constitution of the Federal Republic of Nigeria, the structure of Government changed. The Armed Forces Ruling Council which combined both legislative and executive powers and functions gave way for the National Assembly as a separate body from the executive arm of government.

To give relief to the Registrar of trade Unions on how to resolve the lingering NLC-SESCAN conflict, SESCOAN continued to mount pressure for a review of the Trade union Act 1990 and the NLC mounted pressure for the status-quo to be maintained. Following the pressure from the disputing trade unions the Executive arm of Government under President Obasanjo prepared a policy agenda in form of the 2004 Trade Union Amendment

bill for the Legislative arm of Government (National Assembly) to resolve the NLC SESCOB conflict. The bill wanted to also address the issue of voluntarism, which by implication would also address the issue of jurisdictional scope to enable workers exercise freedom of movement from one affiliate union to the other. Indeed the policy agenda further enabled the actors in the industrial relations system to participate in the making of the new law during public hearing sessions of the National Assembly and also through the press. At the end of legislative action the Government enacted the 2005 Trade Union (Amendment) Act which declared that NLC is no longer the only Central Labor Organization.; it is also made provision for the registration for another federation of trade unions; granted freedom for the formation and joining unions of one's choice **but did not** proscribe the existing unions nor restructure their jurisdictional scope. This became another source of interpretational conflict between NLC and the Federal Government the Federal circular did not give freedom for mass pull out of members from one union to another.

10.1.2 The Impact of the conflict and 2005 trade union policy reform in Nigeria

From the forgoing trends, it can be said that following impact was made:-

10.1. 2.1 Emergence of Trade Union Amendment Act 2005

The first impact of the inter-trade union conflict was the emergence of the 2005 Trade Union Amendment Act,

10.1. 2.2 It gave permission for the Registration of another Federation of Trade Union

The 2005 reforms paved ways for the registration of another Federation of trade unions. Eventually TUC was registered as the Central labour organization of all senior staff associations. This registration demonstrates that there is improved freedom of association in Nigeria

10.1.2.3 It encouraged the formation of new industrial Trade Unions

The 2005 policy also encouraged the formation and registration of new industrial trade unions. This is a further demonstration of improved freedom of association in Nigeria.

10.1.2.4 It created the basis for restoration of inter union cordial relations

The 2005 reforms created a favorable environment for increased partnership/working relationship between the NLC and TUC to fight for N18, 000 as minimum wage for workers and indeed the protest against fuel subsidy removal for sustainable social economic development of Nigerians.

10.1.2.5 The conflicts encouraged the Amendment of the 1999 Constitution to strengthen the National Industrial Court (NIC) as a Conflict resolution institution

The (Third Alteration Act 2010 of the Constitution of the Federal Republic of Nigeria was also done to address the conflict between Courts of record and the NIC. Some trade unions and the State High Court undermined the powers of the NIC for lack of Constitutional backing to handle jurisdictional scope disputes. Supposing the Alteration was not made the Courts of record would have taken advantage to reverse some decision of the NIC e.g. as made in 1995 on jurisdictional scope and its enforcement. This would have created more chaotic environment.

10.2 Law Interpretation

The post 1978 inter-trade union conflict started in other states but its impact reached Taraba State and rapidly swept the feet of NCSU to as much as it did in the states that started before Taraba State. This was facilitated by decided cases of other states. The lessons from the Courts include the ruling

10.2.1 On the implication of section 45 on Section 40 of the 1999 Constitution of the Federal Republic Nigeria.

That the right to assembly freely, to associate with other people and to form political parties or trade unions no doubt exists. But the freedom to exercise that right is entirely different thing. That freedom exists within and not outside all existing and relevant laws. Thus the right is not absolute but limited by the Trade Union Act made in pursuant of section 45 of the 1999 Constitution of the Federal Republic of Nigeria. The purpose is to check unforeseen incongruent actions as occurred before 1980 when the proliferation of trade unions (about 800) with varied objectives, aspirations and at times overlapping jurisdictions, created a chaotic environment and no room for unity and strong action among trade unions. (Justice A.B. Adeniyi in *Aoreyo O.F. Vs Olatunji and others/NCSU in suit No. M/531/89 High Court of Lagos State in the Lagos Judicial Division Thursday the 19th Day of July 1992*).

10.2.2 On Fundamental Human Rights and automatic membership of Trade Unions

Since the fundamental right to associate freely is limited under section 45 of the 1999 Constitution of the Federal Republic of Nigeria by the overriding need for public order amongst other limitations, then it is proper that Trade Union Act predetermined which trade union a worker belongs to. Thus membership of trade Unions is automatic immediately one is employed. And the deduction of check-off dues does not require the consent or approval of the affected civil servants and this does not nullify the fundamental rights of the applicants to belong to a trade union. Therefore, the Court sees it as baseless to argue that it would be improper to give to the ASCSN what the law did not give it. It is also improper to say that the membership of all staff in the civil service on GL 07 and above should not belong to the ASCSN and is tantamount to compulsion and imposition of union membership, nor say it is an infringement of the fundamental human right of those who choose to belong to other unions.

10.2.3 That Cadres are not the basis of belonging to a union

Whereas some unionists have argued that membership of NCSU is determined by cadre that is by being in the “Assistant” or “Executive” Category Grade Level 01-13, such a view is rejected by the Court. The court has ruled between NCSU and ASCSN it is not the title that determines ones union but so long as the salary grade level of a worker in Assistant category is and over Grade level 07 “*he is not qualified to be in the Nigerian civil Service union,, The result of my interpretation is that officers on Grade level 07 and above are senior staff and therefore belong to the Association of senior Civil servants of Nigeria. That being my view I hold that the 1st – 7th defendant cannot be members of Nigeria Civil Service Union or officers of that Union and therefore not competent in law to be officers or hold any elective posts in the 8th defendant*” (i.e. NCSU) (Bashir Alade Shitta-Bey vs. The Federal Civil Service Commission (1981) I S.C. 40 at P 56; and FCDA v Naibi (1990) 3 NWLR (pt 138) 270)

10.2.4 That ASCSN is not a Government Agency

The NCSU claimed that trade unions are government agencies. (Suit No. FHC/L/CS/1202/96 of 8th November 1996, brought before the Federal High Court, Lagos; The Bureaucrat VOL 5 No 2 September 2005). In this case the NCSU Lagos State branch, was plaintiff. It asked the court to declare that under and by virtue of Decree No. 4 of 1996 the Association of Senior Civil Servants of Nigeria has ceased to be a registered trade union under the Trade Unions Act, Cap 473 of 1990 as amended and seeks a declaration that under and by virtue of Decree 4 of 1996, the Nigeria Civil Service Union, the plaintiff, became the only registered union under the Act, for all workers of the Federal and State Governments but excluding enforcement employees in Customs and Immigration Services, Technical, Typist, Stenographic, Medical Nurses and Midwives and recognized professional and administrative cadres. The NCSU also contended that both unions are Federal Bodies and that the court was only asked to interpret Decree No. 4 of 1996 which restructured the existing Trade Unions. On the 11 July 2005 Justice Abdullahi Mustapha of the Federal High Court, Lagos, after listening to the arguments of the legal counsels of both unions struck out the case brought by the Nigeria Civil Service Union (NCSU) because the two trade Unions are not Agencies of the Federal nor State Governments and both are trade Unions that is Associations of members, formed for the purpose of protecting the income and working conditions of their members.

10.2.5 On Enforceability of Court Rulings

In spite of Court rulings some State Governments (Taraba State inclusive) refused to enforce the Court's rulings in respect of the NCSU and ASCSU conflict. This made the Association of Senior Civil Servants Nigeria in Taraba State to file legal a suit No.NIC/9M/2000, for the enforcement of the NIC’s 1995 judgement (section 9.01 of this paper above). During the court's proceedings in respect of this suit the court concord that, the Judgment under reference is valid, subsisting and enforceable and that the position had not been disputed by the state Governments. The Court further asserted that by trite law a Judgment of a court of competent Jurisdiction remains valid and binding even when the person affected believes that it is void until it is set aside by a court of competent Jurisdiction. So since the Judgment subsists it must be obeyed. And the court made an order of enforcement since the judgment was valid

10.3 The Impact of Implementation of Court Rulings

The above rulings assisted to put to rest contestations over the demand for absolute voluntarism and freedom of association to join any trade union with disregard to jurisdictional scope.

10.3.1 Government implemented Court Rulings

The Taraba State Government’ implemented NIC ruling by updating the membership list of ASCSN based on membership forms filled by eligible ASCSN formerly in NCSU and automatically remitted their Check-off dues to ASCSN including accrued dues in the hand of Government, from the period determined by the court.

10.3.2 Decline or Growth in Union Membership and Check off dues

Indeed compliance with Court rulings led to freedom of movement of workers to their appropriate trade unions. This led to increase in the strength of some unions and decrease in strength of some unions. The strength is in terms of membership and check–off-dues. It entails that policy changes by proper means, is the only justified and accepted foundation for sustainable growth of trade unions and inter trade union peace For instance, when the ASCSN started in Taraba State in the year 2000, the union had less than 20 members because the Check off dues of most senior civil servants went to the NCSU. But as from 2002 this trend changed to the favor of ASCSN when NIC ruling was enforced (Table 3 and Fig 3 below) explains the **average** fall and rise in membership.

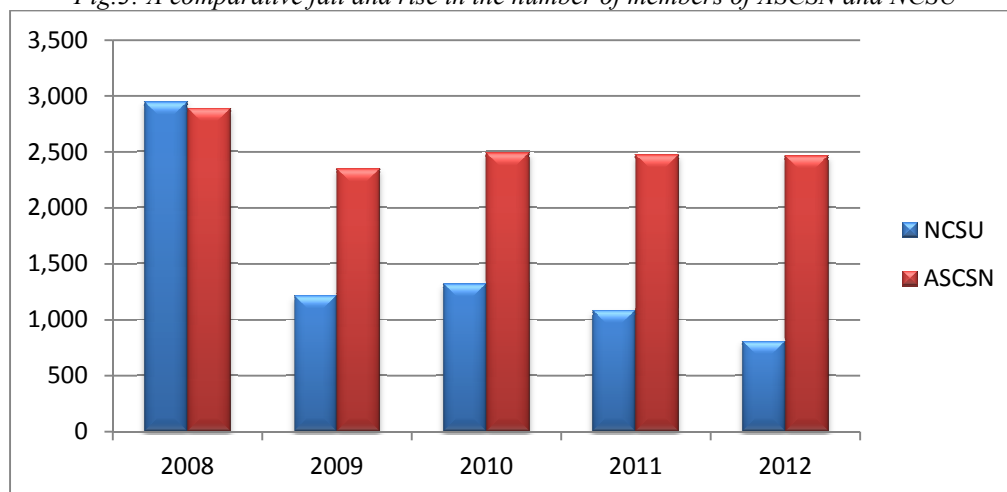
Table 3 Average Number of Members of ASCSN and NCSU

Year	NCSU Average Members	ASCSN Average Members
2002	NA	1,071
2003	NA	NA
2004	NA	NA
2005	NA	NA
2006	NA	NA
2007	NA	NA
2008	2,947	2,890
2009	1,215	2,349
2010	1,321	2,492
2011	1,084	2,474
2012	808	2,465

Source: Taraba State Pay Roll

Key: NA=Not Available

Fig.3: A comparative fall and rise in the number of members of ASCSN and NCSU



From the Table 3 and Fig 3 it is observed that while on one hand there is a fall in the membership of NCSU, on the other hand there is a rise in membership of ASCSN. Based on the 2012 average membership, the ASCSN has turned to have 1657 members more than NCSU

10.3.3 Comparative Changes in Actual Check off Dues of NCSU and ASCSN

As shown in Table 4 and Fig 5 below and as summarized in Fig 4 below the fall and rise in union membership has a corresponding fall and rise in union check-off-dues of the two unions

Table 4: Actual monthly check-off dues (2009-2012) of NCSU

MONTH	YEAR									
	2008		2009		2010		2011		2012	
	TOTAL MEMBER	UNION DUES	TOTAL MEMBERS	TOTAL UNION DUES	TOTAL MEMBERS	TOTAL UNION DUES	TOTAL MEMBERS	TOTAL UNION DUES	TOTAL MEMBERS	TOTAL UNION DUES
JAN		NA	NA	NA	NA	241,982.98	NA	251,296.78	NA	304,421.44
FEB		NA	NA	395,830.37	NA	240,190.01	NA	251,296.78	NA	302,168.73
MAR		NA	NA	375,577.21	NA	236,609.51	NA	86,008.72	NA	302,034.43
APRIL		NA	NA	394,208.00	NA	225,545.54	NA	90,100.00	NA	297,104.55
MAY		NA	NA	347,473.30	NA	260,678.62	NA	248,855.28	NA	296,824.75
JUNE		NA	NA	321,798.04	NA	260,759.07	NA	248,855.28	NA	296,824.20
JULY		NA	NA	249,534.80	NA	264,162.50	NA	251,360.15	NA	NA
AUG		NA	NA	255,612.44	NA	263,287.66	NA	238,477.20	NA	NA
SEPT		865,454.13	NA	250,933.22	NA	247,012.93	NA	312,691.85	NA	NA
OCT		517,615.35	NA	259,468.27	NA	246,297.50	NA	303,257.68	NA	NA
NOV		499,624.10	NA	258,050.27	NA	247,238.89	NA	303,098.55	NA	NA
DEC		493,811.03	NA	257,677.81	NA	247,082.75	NA	298,334.55	NA	NA

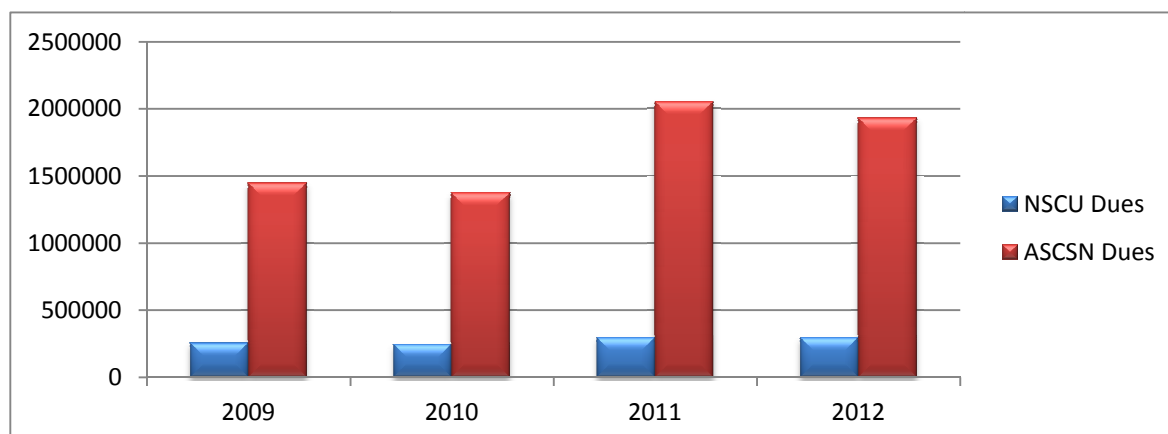
Source: Taraba State Pay Roll summary

Table 5: Actual monthly membership and Check-off dues (2009-2012) of ASCSN

MONTH	YEAR							
	2009		2010		2011		2012	
	TOTAL MEMBERS	TOTAL UNION DUES	TOTAL MEMBERS	TOTAL UNION DUES	TOTAL MEMBERS	TOTAL UNION DUES	TOTAL MEMBERS	TOTAL UNION DUES
JAN	NA		2,569	1,427,220.00	2,440	1,401,886.12	2,597	2,096,580.11
FEB	1,881	1,056,934.82	2,574	1,425,742.99	2,439	1,401,218.36	2,533	2,062,244.89
MAR	1,866	1,050,983.66	2,575	1,425,543.11	2,431	1,395,581.43	2,528	2,058,112.37***
APRIL*	1,994*	1,121,556.35	2,527	1,399,180.63	2,428	1,395,341.37	2,401	1,952,888.13***
MAY*	2,284*	1,244,511.91	2,479	1,376,103.35	2,426	1,393,040.66	2,394	1,943,417.33
JUNE	2,246	1,229,396.11	2,475	1,373,266.53	2,414	1,381,468.84	2,382	1,931,780.00
JULY	2,563	1,366,422.04	2,464	1,381,415.12	2,437	1,406,537.08	NA	NA
AUG****	2,644	1,410,264.62	2,462	1,383,210.56	2,527	1,443,377.81**	NA	NA
SEPT**	2,643	1,211,364.85	2,456	1,380,844.11	2,521	2,033,134.00**	NA	NA
OCT	2,676	1,438,809.39	2,449	1,376,065.92	2,536	2,040,433.86	NA	NA
NOV	NA	NA	2,444	1,376,143.84	2,527	2,032,466.96	NA	NA
DEC	2,691	1,448,485.55	2,440	1,374,993.83	2,562	2,055,344.27	NA	NA

Source: Taraba State Pay Roll

Fig 4: Comparative Actual Union Dues for NSCU and ASCSN from 2009 to June 2012



10.3.4 Causes of Fluctuations in membership and union dues in ASCSN

From the detailed statistics of membership and dues (Table 5), it is observed that there are fluctuations in the figures even within a union. Informants attribute the rise and fall in figures for example for the months asterisked in Table 5 to the following reasons:-

* In April and May 2009 the figure jump from 1,994 members to 2,284 members (i.e. an addition of 290 Members) because of extensive rigorous massive membership enlightenment drive by the ASCSN Executive during the period.

** In August 2011 though there was decrease of 6 persons in the membership, but there was increase in check-off dues from 1,443,377.81 to 2,033,134.00 that is, an increase of about N589,756,20 because of increase in the salary increase of workers in Taraba State.

*** In April 2012, the membership drop from 2,528 to 2,401 that is 127 persons opt out of ASCSN. This was caused by the registration of Parliamentary Staff Association of Nigeria (PASAN)

In respect to NCSU and ASCSN relations informants attribute the rise and fall in membership and dues to the fact that some NCSU members as well as other Unions like Amalgamated left to join the ASCSN because:-

- (i) They now know the position of the law that senior civil servants GL 07 and above belong to ASCSN
- (ii) That the ASCSN has better rates of welfare benefits to its members than that of NCSU
- (iii) That ASCSN disburses welfare benefits in bulk unlike the NCSU where it is paid in installment and sometime not at all for lack of funds
- (iv) That the State Branch officials of ASCSN have demonstrated more transparency than NCSU in their operations and so members have more confidence to relate with the officials; therefore with patience they would one day serve as elected officials of the union.
- (v) Unions experience fall in figures because of the conscious manipulations by other Union's officials in collaboration with some government staff in the salary preparation section to poach members from other unions.
- (vi) Unions experience rise in figures at times because hitherto poached members are restored after formal petitioning by affected union to the executive arm of government for restoration of members. Or the affected unions engaged in Inter Union administrative resolution of membership dispute. But where such administrative efforts failed, the aggrieved went to court to seek redress. For instance, JUSSUN sued both the NCSU and ASCSN to court and following the passage of the 2005 Trade Union (Amendment) Act and registration with the Federal Ministry of Employment Labour and Productivity (FMELP), Judicial Staff Union (JUSSUN) pulled out its members from NCSU and ASCSN

In spite of the above reasons which made some members to leave NCSU, some senior civil servants still belong to the NCSU. Because

- (i) Some of them still hold leadership position at the State Executive Council or at its Units and felt they may not immediately secure similar leadership position in ASCSN if they quit NCSU
- (ii) Some attribute their remaining in NCSU to their desire to exercise their freedom of association and
- (iii) Some say they have been in NCSU for long and wish to remain there.

But at the federal level in 2003, some unionist who claim to be "Authentic Members of the Nigeria Civil Service Union" declared that officers on GL 07 above, who are only about 200 (Two hundred) in the Federal and State

Civil Service in the NCSU as “impostors” have hijacked the NCSU and doing terrible things in the name of the Union (Nigeria Civil Service Union interim National Secretariat of Authentic members letter dated 11 June 2003)

10.3.5 The adoption of alternative dispute resolution methods by trade unions

The resolution of the NCSU and ASCSN conflict by way of enforcement of Court judgement has ripple effect on other trade unions in the Taraba State. When membership of some unions declined, it called for the need to put round pegs in a round hole by using alternative dispute resolution measures than resort to court intervention in every conflict. This was demonstrated by the direct interaction between the various trade union officials and some times in collaboration with the State Executive Arm of government for implementation of collective decisions. For example in 2008 when NASU came on board in Taraba State and wanted to unionize senior civil servants; also in the conflict between Radio Television and Theatre Workers Union of Nigeria (RATTAWU) and Association of Senior Civil Servants of Nigeria (ASCSN) as well as the conflict between Senior Staff Association of Universities, Teaching Hospitals, Research Institutes, and Associated Institutions (SSAUTHRIAI) and ASCSN administrative processing between the two unions was used to get their members from ASCSN; Unlike the NCSU which tried to adopt non recognition of laws and used poaching method to secure membership the **method of Merger** was used in the case of Agricultural and Allied Workers Union of Nigeria (AAWUN) and Agricultural and Allied Senior Staff Association (AASSA), The Split between Medical and Health Worker Union and National Association of Community Health Practitioners of Nigeria was sealed when the Community Health workers secured the registration of their union. As for Amalgamated Union of Public Corporation Civil Service Technical and Recreational Services Employees (AUPCTRE) their case relating to jurisdictional scope was referred to the Federal Ministry of Labour and Productivity Jalingo for resolution

10.3.6 The emergence of new contradiction between the Policy and Practice

(i) Disorganizing the Trade Union side of the Joint Council at the State Level by Union leaders

Though we had earlier said that the contradictions within the Trade Union Act and between the act and its practice were the cause of conflict between NLC and TUC in Nigeria, a deeper examination of the case of Taraba State shows that there is a new brand of conflict arising from contradictions. In Taraba State the bone of contention was over who holds which position in the State Joint Public Service Negotiation Council.. This created a conflict between NLC versus ASCSN divide. Initially it was the policy of the trade union side that key positions of Chairman and Secretary the Joint Council are shared between the ASCSN (as Council I incidentally a TUC affiliate) on one hand and members of Council I and II on the other hand as one block (incidentally NLC affiliate). Trouble started when NLC affiliates grasped both the Chairman and Secretary positions of the Joint Council.. This made ASCSN in Council I to boycott Joint Council meetings for about a year, until when a decision was at a Joint council meeting convened for that purpose and the post of Secretary was given to the ASCSN. Also it was the policy of trade unions in Taraba State that issues of common interest be examined and a stand taken through the Joint Council. One pending issue was that of whether to resume deductions into the National Housing Fund Scheme or not. To address this issue the Joint Council set up a technical Committee to examine the problems associated with the scheme in the State, which its report was being awaited. But the State NLC Executive abandoned the Joint Council. approach. The NLC singularly went ahead to negotiate with a private estate developers to construct house to be given to **all** workers in the State on loan. The ASCSN /TUC vehemently opposed this development. The ASCSN argued that it is not an affiliate of NLC and so salaries of ASCSN members should not be deducted in the name of the Housing Fund contribution. This led to the suspension if the NLC sole action until ASCSN members were excluded from the deduction for NLC.

(i) Undermining the Trade Union Congress and ASCSN at the State level by Union leaders

The desire to improve union membership, improve check-off dues, improve welfare dues and /or secure leadership positions are still deep rooted motivators of inter-trade union conflicts even after the resolution of jurisdictional scope conflict in the State. So when Coser (1957:8) regards conflict as a “*struggle over values and claims to scarce status, power, and resources in which the aims of opponents are to neutralize injure or eliminate their rivals*” this can better be explained in the power play between NLC and TUC in Taraba State over money at the disposal of the two unions. This dates back to 2006 and negatively affected hitherto jointly organized May Day celebrations programs in the State, with a view that ASCSN/TUC would not be able to organise a befitting celebration. The conflict made NLC and TUC in the State to celebrate May Day at separate venues until the 2013 May Day. (Ahmed–Gamgum 2012:153-155).

(ii) Government Interference in internal affairs of Trade Unions at the State and National Level

(a) Interference in ASCSN National Politics

The growing profile of ASCSN / TUC (as shown in 10.3 2 and 10.3.3 above) there was inter personal conflict between the Chairman of ASCSN /TUC and NLC in Taraba State. This made the NLC in Taraba State not to be prepared to cooperate with ASCSN /TUC in fighting for the interest of all workers. Furthermore collaboration between the NLC Chairman and the State Governor State in 2012 made Government to turn its back against TUC and ASCSN by not giving them financial assistance when it gave NLC. This trend became worse when the

TUC Chairman Taraba State Council Comrade Bobboi Bala Kaigama was vying for election as the National President of ASCSN in 2012. To ensure Bobboi did not win and to ensure a Government sponsored candidate wins, the Government acted contrary to ILO standard on non interference in internal affairs of Trade unions / freedom of Association. The Government interfered by withholding the ASCSN Check off dues as from April 2012 and later dismissed Comrade Bobboi Bala Kaigama from the Taraba State civil service. This action was based on the belief that Bobboi would not have campaign funds nor qualify to vie since he is no longer a civil servant. But in resistance to Government interference the ASCSN change the venue of the National Convention, from Jalingo to Lagos in July 2012 and also voted for Bobboi to serve as the elected National President of ASCSN. Furthermore, after the election Bobboi filed two law suits against the actions of Taraba State Government. He eventually won the case.

(b) Interference in TUC National Politics

The earlier action by Taraba State Government to dismiss Bobboi from the Taraba State Civil Service when he was vying for election as the National President of ASCSN also influence some TUC delegates and candidates at the 8th National Triennial Delegates Conference of TUC in 2013; when Comrade Bobboi (now President ASCSN) was seeking election as TUC President-General. His opponents from PENGASSAN Comrade Babatunde Ogun and his *Harmony Group* called for the disqualification of Bobboi Bala Kaigama, as a candidate for TUC President General because (i) Bobboi as a Civil Servant “was” a Director and so falls under the category of persons regarded as *projection of management* and (ii) that the Taraba State government has dismissed Bobboi from the State civil service. The call for disqualification was triggered when a request by another trade Union (HAPSSA) and Babatunde sent a petition to the Federal Ministry of Labour seeking the interpretation of the concept of *Projection of Management*. But the call by Babatunde Ogun against Bobboi failed because of the conflict resolution role played by some relevant Government agencies. In response, the Federal Ministry of Employment Labour and Productivity said that unlike the sense which *projection of management* was applied in the case of HAPSSA’s internal affairs, which Ogun relied on, the concept cannot apply in an external and national level trade union politics. Secondly the call also failed because of National Industrial Court Judgment in the case of Bobboi. The NIC held that in accordance with the out- of- court settlement between Bobboi and Taraba State Government, the NIC reinstated Bobboi as Taraba State Civil servant before the date of the TUC 2013 National Delegates Conference. Based on these two grounds the TUC election screening Committee did not disqualify Bobboi and he eventually won election to be the present TUC President-General. In Nigeria (Daily Labour 20 June 2013).

11. CONCLUSION

From the **psychological causes and methods for resolution of conflict**, this study has shown that Conflict is indeed a complex phenomenon and has many ways to resolve it. It has both elements of rational and irrational decision making. This study has also shown that the theories reviewed in section 3.2 above expressed themselves as psychological bases that caused the conflict and resolution of conflict between the disputing trade unions. For instance from the perspective of “*the drive for needs*” theory (section 3.2.1 above) the drive to fulfill certain needs of ASCSN did not cease notwithstanding the presence of some obstacles and suppressions, until the need were achieved. This explains why some conflicts get protracted as was the case of the predicaments of the senior staff associations when they wanted to have Trade Union Congress registered as a federation of trade Unions in Nigeria. This was pursued from 1978 to 2005 when they secured registration. In respect of *The Inherent theory of Conflict and need for Constructive conflict* (Section 3.2.2) which requires the resolution of the conflict to reap its benefits we in this study saw the disputing parties accept deterrent justice, **compromise and collaboration** to encourage discipline among trade unions and end protracted conflict, so that workers through their trade unions leadership can secure their demands from the government. Following the resolution of the conflict we note that there is now relative peace between the disputing parties which goes to suggest that in line with *Contingency Theory of Conflict* (Section 3.2.3 above) trade unionist were at conflict not because it is by nature for trade unionist to be fomenting troubles but were at conflict because of the circumstances of high discrimination and contradiction, which they found themselves. Also based on the *Scarcity Theory of Conflict* (Section 3.2.4 above) we saw the “*struggle between NLC and TUC as well as NCSU and ASCSN as over values and claims to scarce status, power, and resources (that is check off dues) The aim of one Union NSCU and NLC was to neutralize injure or eliminate the rival Unions (ASCSN and TUC).As for Competition Theory of Conflict* (Section 3.2.5 above) we saw NLC/NSCU and TUC/ASCSN moving away from the stage of competition, where there was no direct action of one party to interfere with the on-going actions of the other) to a stage of direct action where there were interference by NLC and NCSU and with assistance from the Government there was interference in the internal affairs of ASCSN and TUC. From the perspective of *Territorial Imperative theory of conflict* (Section 3.2.6 above) we saw that, **jurisdictional scope** is the territory of trade unions. It was within this scope that the needs of membership check-off dues and programs of the unions were to be achieved;

hence, the inter trade union conflict to defend their respective real and imagined jurisdictional scope. In spite of the inter-trade union conflicts, the disputing trade unions being “**have-nots/Proletariats**” embraced the inspirational call for unity as presented by Karl Marx under the *Trade Unions Conflict theory* (Section 3.2.7 above). They did so at times in order to face the ruling elites (being the **haves /capitalist**) who control the state resources and means of production. Finally we noted that *Non Compliance Theory of Conflict* (Section 3.2.8 above) became manifest when enlightenment on the part of ASCSN members led to the discovery and rejection of non compliance with properly defined Jurisdictional scope of unions by NCSU.

As for the **manifest causes of conflict and the resolution of the conflicts**, first, this study shows that usually harsh experiences and the need to prevent harsh experiences in the future have created a state of conflict between one group and another. Secondly, the unorganized (Senior staff unions: without a recognized Central body) and seemingly organized workers (with NLC as its central body) both have a common background of being **have-nots** and have a common interest of improving the condition of service of workers. As such they have a need of getting organized and reorganized through adoption of better policy and trade union organizational structure.

Be that as it may, indeed the making, implementation and interpretation of Nigeria’s Trade Union Act which gives workers the freedom of association to operate as trade unions by engaging in collective bargaining via the Joint Council caused inter-trade union conflicts at the National and State level because there were contradictions between the Policy/Law and practice of the policy; These conflicts were strongly spearheaded by the NCSU and ASCSN, This conflict caused other actors in the industrial relations system to intervene in order to resolve the conflicts via policy reforms and enforcement of Judicial rulings. The resolution of the conflict impacted on the performance and service delivery by the trade unions and federation of trade unions in conflict.

As the case in Nigeria was, the role one side support by the Federal Military Government caused disfavoured trade unionist to analyze the Nigeria Industrial relations system and environment. From that analysis trade unions realized that there are contradictions in policy and between policy and practice, this led to fear, and adoption of turn-around strategies to do away with harsh environmental conditions that inhibit active and effective trade unionism, (union and members growth). One of the strategies was the selective compliance and non compliance of some laws of the land to secure wider jurisdictional scope or protect the existing jurisdictional scope as well as secure leadership monopoly opportunities. The strategies included advocacy for the reforms relating to the formation and operations of trade unions in Nigeria particularly as from 1978 and litigations..

From the post 1978 judicial interpretations of inter-trade union conflicts brought before the courts, we have come to stronger agree that the present principal policy or law on trade unionism in Nigeria is the 1999 Constitution of the Federal Republic of Nigeria. The Constitution classified trade unions matters under the *exclusive list* and grants the “*right of freedom of association*” to workers. And so the State Governments could not change or act contrary to the Trade Union Act as demanded by some trade unions to frustrate rival trade unions.

The Constitution of the Federal Republic of Nigeria 1999 section 40 has granted the freedom or right to workers to freely associate by joining trade unions for the protection of their interest and I quote the relevant section thus:-

“40. Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests” (S. 40 CFRN 1999)

This Section 40 which is an effort to promote fundamental human rights in the country and among unions when cross read with other clauses of the Constitution **is not absolute** as the above quoted clauses seem to portray. The flexibility of the Constitution and reasons for it is captured as follows:

45.-(1) Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society -

- (a) in the interest of defence, public safety, public order, public morality or public health; or
- (b) for the purpose of protecting the rights and freedom of other persons (S. 45 CFRN 1999)

These other policies made by Government and employers in form of ordinances, decrees, acts of parliament, executive orders, administrative circulars, regulations, official statements, speeches, court rulings e.t.c on labour matters, are often claimed to emerge after consultation with all stake-holders. But this study has discovered that this was not the case in the post 1978 military era when e.g. the 1996 Trade Union Amendment Decrees were promulgated. Consequently the dream that workers unions would be managed with little or no conflict with employers in the workplace and most of all between trade unions became a mirage.

This study further found that the cause of inter--trade union conflict are the contradictions within the Trade union Policy and between the policy and practice of the policy. Next to the 1999 Constitution, is the Nigeria Trade Union Act 1973 /Trade Union Amendment Decree No. 22 of 1978/Trade Union Act CAP T14 of 2004 serve as the major policy document on the procedure for formation, membership, and operation of trade unions. This policy document also determines inter-trade union relations in Nigeria. From this document we noticed that (i) this very document has some internal contradictions which made it served as a cause of conflict between trade

unions While it claims to grant Nigerian workers freedom of Association and within the same document senior staff in the name of “*Projection of Management*” were denied right of active participation (ii) The same act denies the military and paramilitary personnel’s from forming trade unions (iii) some workers regarded as essential service staff are also prevented from joining strikes and (iv) While the policy defined the jurisdictional scope of trade unions but in practice some trade unions did not comply with the defined jurisdictional scope and sought to unionize eligible members of other unions to improve their union income. (v) Contrary to ILO standard for freedom of Association, the Government discriminated by taking sides with NLC to amend the trade Union Act to the advantage of NLC against the desire of senior staff for active participation in trade unionism. The Government also interfered in the internal politics of trade unions in order to stop some candidates from winning election to union leadership position in order to enthrone government sponsored candidates. These served as major causes of inter-trade union conflicts in Nigeria as from 1978 and Taraba state in particular.

The contradiction within the trade union policy document and between the document and what some actors did in practice made the conflict to become protracted However, the role of the Nigerian National Assembly on the Labour reform bill of 2004 and the amendment of the Constitution in 2010, which gave constitutional power to the National Industrial Court made the Court to effectively resolve the conflicts. And it made union members the state government and regular courts to obey and enforce the NIC rulings. Eventually the implementation of court rulings impacted positively on Association of Senior Civil Servants and the Trade Union Congress in Taraba State. But the enforcement impacted negatively on the Nigeria Civil Service Union in the State.

Also this study has shown that Abu’s paper as reviewed (in Section 3 above), is indeed simplistic and has incomplete facts about developments in the Nigerian industrial relations system because he expressed only the views of NLC about the Federal Government and living out the views of the Senior Staff Association who by default are not the affiliates of NLC and before the 2005 they were in conflict with NLC because NLC has no legal right to to represent **all** workers but only unions affiliated to NLC.

To this end, though the causes of the inter trade union conflict between the two unions (NCSU and ASCSN) are the same Jurisdictional scope), the limitation of other conclusions from this study is that, the extent of the impact of the resolution of the conflict, reactions and counter reaction between unions in Nigeria may vary from state to State.

12. RECOMMENDATIONS

The forgoing entails that

1. For workers to remain united in spirit, workers are advised not to over pursue membership and financial gains at the detriment of workers and trade unions unity and peaceful industrial relations
2. Government and workers should continue to make and implement labour policies in consultation with the representatives of all categories of workers’ unions.
3. To enhance workers freedom of association without compromising the achievement of orderliness as required by section 45 of the Constitution of the Federal Republic of Nigeria 1999, workers should strive to have fewer unions which are strong by membership and funding so that they can provide reasonable welfare packages to its members. This is better than having hundreds of petit unions without good welfare packages and unity.
4. Workers should avoid encouraging the government to use Government resources to intimidate sister trade unions and non Government candidates. The implication of allowing Government interference is that when workers would want to sustain their demands through strike action, the strike would fail to achieve its purpose because the Government would use precedence of past successful interference to punish union leaders who are pressuring government to satisfy workers demand

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