

The Significance of Public Interest as a Factor in Precipitation of Collective Action among State-Employed Professionals in Nigeria

Ndukaeze Nwabueze, PhD

Associate Professor

Department of Sociology

University of Lagos, Lagos

Nigeria

Abstract

By definition, trade unions exist principally to protect the interest of registered members through defence of the best possible terms and conditions of their employment. Over time, some unions, in consideration of issues outside their immediate work environment, such as crisis and inefficiency in social services by the state, have been drawn beyond union interest and embarked on strike to protect public interest. In some occasions this action brings the unions on collision course with the government. Considering the legal, political, moral and industrial relations implications of such actions, some observers have queried the propriety as well as union right to protect interests outside that of its registered members. In Nigeria, this behaviour tends to be common with the central labour bodies, the Nigeria Labour Congress (NLC) and the Trade Union Congress (TUC) and two leading national unions of state-employed professionals, the Nigeria Medical Association (NMA) and the Academic Union of Universities (ASUU). This contribution focuses more on the professional unions and seeks among others to assess the attitude of professionals to the protection of extra-union or public interests; to see if professional training and orientation plays any role in shaping this attitude; why unions of professionals are leading defenders of public interest; and, the significance of public interest as determinant of collective action among professionals. To interrogate these issues, a sample of 942 medical practitioners and University lecturers was drawn through clustering the two groups of state-employed professionals throughout the country into the nationally recognized six geo-political zones. Federal and State-government dons and doctors were covered. A combination of theories focusing on the state organized around Social contract and Alienation are used to explain how professionals came to find their unions between the state and citizens as 'social messiah'. The finding is that these professionals, also as intellectuals, consider the role of 'social defender' as a duty thrust on them by 'opportunity'- their learning and the organizational platform provided by unionism, as well as 'state failure' to provide governance. Such action, they opine, is inevitable as long as the gap continues between state-citizen perception of state capacity and action.

Key Words: Public interest, professionals, collective action, the state, alienation, social defender, unionism

Introduction

By definition and by declared purpose a trade union is formed by the members primarily to regulate the terms and conditions of employment of its registered members. In many countries the laws that provide for the formation and operation of trade unions define the limits of the purposes as well as the categories of employees that it can represent. Such laws do not only delineate the category of workers whose interest and welfare a union is permitted to protect and advance, there is as well, some clarification of the issues that a union is expected or allowed to take action over and those it cannot. A union that strays into extra-legal issues or to protect the interest of people or workers outside its registered members may be guilty of 'trespass' while action and power wielded in defence of an unapproved purpose is *ultra vires* the union's power. Unions generally tend to avoid acting outside their mandate because of the official sanctions associated with the conduct. Overtime though there are examples of unions everywhere that feel constrained to take action across such defined boundaries in consideration of issues beyond their official mandate in order to protect the interest of the general public or at least the interest of a targeted section of the public. Such behaviour gives rise to a host of legal, political, professional as well as organizational questions that require clarification and understanding.

The Academic Staff Union of Universities (ASUU) and NMA have consistently and defiantly embarked on strike action against the state in the last three and half decades in protest and to protect the interest of the people in public education and health and not necessarily for higher wages and better conditions of service for the members. But why is this so? While one may not deny the general state of lack and inadequacy of public utilities or the apparent lack of political will to change things for the better as strong and legitimate justification of rebellious action against the state, it is not altogether clear why these unions choose to saddle themselves with the role of the leaders of the movement for collective defence of the public interest. It is not clear what extraordinary *locus standi* they have on public interest beyond the other unions or what they stand to benefit above other unions.

It is not also clear the circumstances in which these unions decided to assume the role of public defender or the features and qualities of overtly altruistic unions generally. Moreover, all these are in a situation in which these unions could have gained a lot more for their members if they avoided confronting the government but restricting themselves to promoting the welfare of their limited membership by aligning with government or identifying with the establishment and mortgaging the common interest. Generally, governments tend to view unions that adopt such conformist/subservient attitude with incorporationist paternalism wrapped in rewards. But those that are seen to be confrontational/non-conformist or pro-people and anti-government are sanctioned with budget cuts, withholding of due disbursements, proscription orders, withdrawal of certificates of registration or recognition and infliction of varieties of patronage famines, among other punitive measures.

It is therefore the goal of this paper to explore these issues, objectives and circumstances and weigh the value placed by unions of professionals on public interest as against members' interest as legitimate determinants or predisposing factors of collective action against their employers.

Nigerian Trade Unions and Public Interest

In Nigeria's case the two official recognized central labour bodies, Nigeria Labour Congress (NLC) which is the sole apex body of all junior staff industrial unions, and the Trade Union Congress (TUC), the only federation of senior staff unions are adept at rising to protect wider interests common to the public at large. Although they are not alone in this habit, very few unions consider such selfless and risk-prone behaviour attractive enough to carry out. The inclination of the members in an environment like ours where the membership of unions and payment of check-off dues are voluntary and not mandatory, the opinion of the leading members or at least of the majority is a significant consideration which must be factored into such a decision or be ignored only at grave consequence to the leaders. The two leading unions in the oil sector also divided into junior staff - the Nigerian Union of Petroleum and Natural Gas Workers (NUPENG) and the senior, the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), occasionally also exhibit this inclination when matters of public interest arise in their industry or in the country at large.

While these bodies exhibit this character on a once-in-a-while basis, the NMA and ASUU tend to live perpetually a life of 'struggle' for the emancipation of the generality of the populace. Historically, they grew to see themselves as the conscience of the public and as the defenders of public interest. Naturally, through performing this self-imposed role social analysts have begun to ascribe to them the role of social messiah positioning their unions as buffer between the all-powerful elitist state on one hand and a civil society that is structurally balkanized, organizationally disarticulated and therefore hardly capable of presenting a united force to check or balance the excesses of the state, on the other. On a continuing basis they act as a windshield against human rights violation that may arise from inadequate public services or other forms of denial of public rights. The life of these unions tends to be defined by the 'struggle' to maintain the public good while their essence and relevance as unions of professionals appears to be inextricably tied to the advancing of such causes. It is this tenacity of purpose that distinguishes them from the rest of the unions and which marks them out for this study. This self-imposed mandate has contributed significantly to shaping the way the state and the public react to pronouncements and actions coming from these unions. It also influences the unions' evaluation of their own achievements, social relevance and impact.

Through persistent strike actions, protests, and joint actions with civil society organizations and the central labour bodies, ASUU and NMA have habitually and persistently become defenders of the public interest in the country. Without prejudice to the contributions of other unions in the country to the public good, this study is focused specifically on the activities of ASUU and NMA.

These unions have regularly engaged in warning strikes, protracted strikes, public rallies, organized lectures, press conferences, awareness campaigns, published public enlightenment materials, and even supported civil disobedience such as ‘occupy Nigeria’ and sit-at-home actions against the state in furtherance of the good of all the public. Their interest has centred on a concern for the public over inefficient social services and economic infrastructure, official corruption, cuts in public spending, and violation of human rights among others. Not surprisingly such actions regularly pitch the unions against the state sometimes leading the state to enact legislations ((such as the Trade Union (Amendment) Act, 2005)) aimed at curtailing what it perceives as the ‘excesses’ of these unions. Often, this situation produces strained relations between the unions and concerned state institutions, their employers.

NMA and ASUU – Trade Unions or Professional Associations?

To clarify, members of professional unions are not just professionals the same way that unions of professionals are not simply professional associations. Members belong to a trade union as well as to their respective professional associations. They are subjected to multiple value commitments and ethical observances that sometimes demand behaviours that are mutually conflicting. The same way, the unions double both as trade unions as well as professional associations. As unions of professionals they tend to manifest split identities oscillating between being pro-state organizations in partnership with government and being leaders of popular civil movements apparently to check the aberrations of government. NMA doubles as both. ASUU is a registered trade union while members belong to a diverse range of professional bodies. Though it is a trade union it does what professional associations are known to do such as issuing a code of ethics that guide the action of members and enforcing it. As a result, members who are the subject of this study are professionals in state employment. They are simultaneously trade unionists, professionals and bureaucrats or technocrats as well as public servants.

As such, they are guided both by public service rules as well as the norms of their respective professions. Moreover, not all members of the NMA, for example, are state employees. Some are self-employed while others are employed by privately-owned health facilities. NMA membership is therefore wider than those employed by the state although these constitute the majority of doctors practising in the country. Similarly, not all university academics in the country are state-employed and not all academics working in universities are members of ASUU. The over 40 privately-owned universities, for instance, are so far non-unionized. In their formative years they tend to detest unionism and make it clear to old and in-coming employees that unionism is outlawed in their institutions. Their experience with public universities may have informed this attitude. Among state-owned universities a few have issues with ASUU and do not participate in collective actions though they are not disallowed to benefit from any gains secured through such actions. So this analysis will therefore not encompass all university academics in Nigeria neither will it take in all members of the NMA; only those academics and medical doctors engaged in a contract of service by the state.

Unions of Professionals and Interplay of Conflicting Interest

Just like the NLC and TUC ASUU and NMA exhibit an amazing interplay of sometimes complementary and at other times contradictory forces of interest. These unions have an exciting curiosity, enthusiasm and concern about their members, their professions, professional standards and ethics as well as the public interest. There is some ambiguity about which is their priority, their members’ interest or the public interest. They expend so much of their resources creating awareness about public matters leading observers to wonder which of these interests comes first in their scheme of things. In their utterances and action they project a self image of a union that places equal value on the two classes of interests. Moreover a key distinguishing character of these unions is a readiness to subordinate union interest to the public interest. There must be cogent reasons or intrinsic features in these bodies that propel them to assume such responsibility.

Both unions were recognized and listed as professional trade unions under the Trade Union (Amendment Act) 1978. These unions, unlike the rest of senior staff unions are organizations in which all their members without exception are all highly trained and steeply skilled professionals. As employees the members rank among the highest cadre of the service whose skills are rare, take long to acquire and hard to replace. Medical doctors and academics occupy strategic positions in the state bureaucracy delivering very vital and collectively indispensable services. Not only are the services they render strategic to the sustenance of the peoples’ welfare and concern, education and health constitute integral elements of the key indicators of government performance and how well it caters to the welfare of the people.

Their recognition simultaneously as trade unions and as professional associations tended to introduce an inherent contradiction of interests to their menu of objectives/repertoire. Naturally professional bodies are generally inclined to viewing themselves as a critical mass of experts with an inalienable obligation to uphold the ideals and ethics and standards of their profession. In this regard they are expected to operate in the best interest of the wider public. The public is viewed as their primary constituency to which they owe basic allegiance. In this regard the professions see themselves as the avant-garde of public conscience, as guardians of public morality, or some kind of self-styled ombudsman. They are conditioned by these considerations to inculcate the value of subordinating their group interest to the public good. As can be seen from the tenets and lessons of the doctors' Hippocratic Oath which though differs in the wordings from one place to another, nonetheless universally obliges doctors to put service above personal wealth and to subordinate their personal interests generally to the interest of the profession and the interest of the client or the public at large. Though an inherent contradiction also surrounds the realization of this norm in practice, doctors have had to live with such conflicting claims of allegiances.

On the other hand, as trade unions the regulation of the terms and working conditions of work of the registered members is expected to be the primary concern of these unions. This is what the law advocates as their primary object. Thus, at such times like when doctors go on strike for improved working conditions, for example, it is confusing which allegiance is paramount – the profession, the public or the personal interest of doctors. Similarly, when ASUU calls out its members on strike to press for better working conditions the line between trade union, professional and public interest is blurred. The reason is that some demands of the unions if met by the authorities can satisfy all the separate interests thus making it impossible to judge which type of interest was targeted.

Another dimension of contradictory interests that professional employees confront in the state sector is the profession-bureaucracy conflict (see Thompson, 1965; Elliot, 1972; Harries-Jenkins, 1976) While state bureaucracies tend to emphasize strict adherence to the rules guiding the administrative processes sometimes to the detriment of the professions, the professionals, their clients or the public at large, doctors and academics would rather place professional standards and public interest, welfare and safety above rigid obedience to rules and regulations. This is another in-built source of conflict of interest experienced by professionals in bureaucracies (see Miller, 1976; Randsepp, 1963; Hall, 1968; Nwabueze, 2000) The observation from the experiences of these unions is that on one hand professional employees have developed a strong inclination to defending both trade union and public interests together to the extent of going on strike to press for restoration of endangered public good. They may be less ready to defend state interest not because it is not important but because they see it as an amalgam of enlightened interest of the political elite masquerading as state or public interest and therefore against peoples' interest.

ASUU, Members' and Public Interest

There are 129 universities in Nigeria at this time (NUC, 2013). Fifty-one of these are privately owned universities. Academics in the 51 privately owned universities are not covered as they are all for the meantime non-unionized. ASUU therefore is the national union of all academics employed in the 78 Federal (40) and State (38) government-owned and funded universities spread across the 36 states of the country and the Federal Capital Territory (FCT), Abuja. Although the enabling law makes membership of a union voluntary, ASUU has achieved a near total and comprehensive coverage but for a few branches such as University of Illorin and Nnamdi Azikiwe University, Awka where there are issues lingering between these branches and the national body. The National Open University of Nigeria (NOUN) in nearly 10 years of its operational existence has never been unionized. Since its formation, national ASUU has called its members out on strike over 20 times leading to a loss of over 45 months of work time (Nwabueze, 2011:4), not counting the 6-month strike of 2013 and strikes by local branches of universities and zones.

An analysis of the reasons behind the strikes shows a mixture of members' professional as well as public interest issues. Among the members' reasons are poor remuneration, low relative salaries, university autonomy, academic freedom, wage freeze, retrenchment of workers, refusal of government to negotiate or continue negotiation or implement agreements, and implementation of monetization policy or non-payment of earned allowances. While these factors are paramount general education sector welfare issues such as poor funding of universities, brain drain, decay of infrastructure, encroachment of senate powers by the National Universities Commission [NUC], general political interference with purely academic matters among others.

Among matters of public interest that resulted in strikes are demand for de-annulment of June 12, 1993 presidential election, which was the main demand in the 6 month 1994 strike. In 1999 ASUU joined the central labour bodies to resist the incessant fuel price hike which led to a 13-week strike by the union in that year. Towards the end of the President Obasanjo government in 2006, ASUU joined other unions for a three-day warning strike aimed among other reasons to discourage the president's unprecedented third term ambition. The collaborative role of the union with the political pressure organization, the National Democratic Coalition [NADECO] to force the military government in 1990-1997 to terminate the incessant truncation transition programmes from military to civil rule is also a matter of public interest that is worthy of note.

Moreover, ASUU is in the habit of justifying the going on strike by its members by their concern for the survival of the education sector as a whole and university education in particular. It has commissioned studies to proffer solutions on *How to Save Nigeria* [1984]. It often asserts that it is constrained to call out lecturers on strike by the dire circumstances in the university system not necessarily to advance the terms and working conditions of its members. Rather, strikes are aimed at creating a more conducive learning environment for students, making Nigerian universities globally competitive, and restoring the confidence of the public and society at large. Strike action is often described by the Union as painful and as a bitter pill which the Union must swallow not because it enjoys truncating the academic calendar but because it is to the overall benefit of the education system. It has continued to compare public spending on education in Nigeria and around the world arising from its concern for the existing state of non-global competitiveness of the Nigerian University. The Union is therefore not content to take wage increases and ignore systemic inadequacies which are what the state would readily prefer it to do. This trend of thought has given rise to a paradox in the nation's education system described as 'ASUU struggle for improvement and state resistance' (Nwabueze, 2011).

ASUU's own Documentation of its Struggles for Public Good

In its publication, *History and Struggles of ASUU* (undated) the Union drew illustrations from its constitution, its philosophical foundations and from specific collective actions to show its historical orientation toward defending the good of the public rather than the limited economic interest of its members. In the concluding paragraph of this document the Union states:

ASUU struggles arise out of the necessity to build a country in which every citizen shall be free, educated, well fed and healthy. We cannot abandon those struggles and yet be worthy of being called "intellectuals".

It can be deduced from that quotation that ASUU's constituency is every citizen in the whole country not just the registered members and this messianic role it believes is tied to its intellectual status. Intellectuals have been reputed all through history to have led social change, revolutions and struggles for social emancipation across the continents and across cultures and civilizations. On another point, ASUU rejects what it calls 'growing economism' in the understanding of the goals of its struggles. The Union states quite the contrary that it recognizes that it cannot effectively defend its economic interest unless it struggles for political conditions that will make economic gains possible and worthwhile. In this regard, it extends ASUU's goals in the struggles to include "exposing the re-colonization forces directing our state policies and the re-colonization implications of the policies of government of Nigeria". It states in clearer terms that:

On the whole, ASUU's only duties are to its members and the people of Nigeria. It can never be the goal of ASUU to please any government in power. Our historical mission (and we do have one) is to play the role of creating new values, producing knowledge for freeing our people from the systematic domination to which our people have been subjected since slavery through colonization to the present.

The above is a clear statement of the mandate of the Union as spanning an area beyond just the working conditions of its members. In accounting for ASUU assumed the role of public defender Eskor Toyo, a veteran unionist and ASUU negotiator for decades, places the roots of ASUU's problems and struggles on "the character of the society itself and the bad faith of primitive bureaucracy and crude militarism". Although ASUU was formed in 1978 the Union could not look away from the failures in the country about that time. Military dictatorship had eroded peoples' basic freedoms. Oil wealth was not being used to generate production and create a social welfare system. Funding of universities had become poorer while the number of institutions kept rising. In such circumstances, ASUU developed a radical orientation concerning itself with broad national issues as the Union stood firmly against the oppressive, undemocratic policies of the country. In 1980 the union declared its first trade dispute over university autonomy.

The broader national issues in the first trade dispute and through the next decade were struggles against military rule, against the economic policy of privatization, against the structural Adjustment Programme (SAP) introduced in 1986, against the World Bank attempt to take over the universities, against re-colonization of Nigeria and against debt peonage. In 1984 ASUU organized the State of the Nation Conference which resulted in *How to Save Nigeria*, a publication in which the Union articulated an alternative development path for Nigeria. In 1985 ASUU declared a trade dispute with the Federal Government to protect against the programme of mass retrenchment of workers and wage freeze. In this regard it collaborated with NMA and NARD and it paid the supreme sacrifice for its social defence role. Twice in its history in 1988 and in 1992 ASUU was proscribed because of its steadfast clamour for basic freedoms, return to civil rule, and abuse of human rights by successive governments. Similarly, in 1996 the National Executive Committee of the union was banned although this time the branch unions were left intact. Therefore, from its inception, ASUU had never left any one in doubt about its broader mandate which is to help create a just and rapidly developing country. As a demonstration of its anti-military stance, ASUU openly condemned the extra-judicial murder of Ken Saro-Wiwa, the Niger Delta human rights and environmental activist. On this, ASUU refused to compromise its principles for imminent juicy concessions from the Abacha military junta. Up till the 6-month long strike of 2013, the union has continued to interpret its insistence on the implementation of the 2009 Agreement as the defence of industrial democracy and the ethos of collective bargaining.

NMA and Overriding Public Interest

The factors responsible for doctors strikes are derive from members' as much as from the public good. NMA (2006) gave the listed factors. The health related matters of public interest include inadequate health policies, poor implementation of policies, poor state of basic utilities, and lack of drugs in hospitals. Others are poor hospital management system, low priority of health care and overseas treatment of top government officials. Directly related to doctors' interest are poor working conditions, obsolete equipment, over-working of doctors, doctors' under-valuation and under-payment. The others are placement of doctors in a unified salary scheme with the rest of public servants, systematic whittling down of doctors' remuneration over time relative to their counterparts in the public service, erosion of inter-professional relativity, and perceived humiliation and debasement of the medical profession (NMA, 2006:78)

Of the three issues into which doctors' concerns were categorized two relates to the public good while the last borders on their personal interests. These are deteriorating public health conditions, child and maternal health conditions and doctors' salaries. On deteriorating health conditions doctors pointed out that by 2003 only 25% of Nigerians had access to modern health facilities with 18,258 Primary health facilities, 3,275 secondary facilities and 29 Teaching hospitals. It would appear that with those numbers physical health facilities were adequate – but they lacked equipment, essential supplies and qualified staff. In the National Demographic and Health Survey (NDHS) 1999, only 9% of households had access to any health facility at all. About 34% had no private doctor, 24% had no access to a pharmacy. On child and maternal health conditions the same Survey showed that one out of every 5 children died before the 5th birthday due to preventable diseases. Infant mortality rate (IMR) was 71 per 1,000 live births. Under- five mortality rate (UMR) was 140 per 1,000 live births; Neo-natal mortality rate was 35 per 1000 live births (NDHS, 1999). On Child survival, there was no significant improvement for forty years. While Nigeria had 10% reduction, Ghana, Cameroon and Kenya achieved 53%, 40% and 42% reduction respectively.

Maternal mortality ratio was unacceptably high at 800 per 100,000 live births. While the World Health Organization (WHO) recommends 5% annual budget on health care. This fell as low as 1.44% under the military but climbed up to 4.38% in 2000. A high proportion of this percentage leaks out of the system into private pockets or is not released at all by government. Finally, on declining doctors' salary the NMA complained of status inconsistency, that their pay was not commensurate with the years spent in training, the essential nature of their role in society and the hazards of the job. They reasoned that their agitation arose from the humiliation of the profession. Prior 1995, they claimed the salary of Medical consultants (specialists) was 0.91 to Chief Justice of Nigeria (CJN) 1.0; Head of Service (Federal) 0.83; Permanent Secretary) (Federal) 0.69. But by December 2003 the ratio was Medical Consultant (specialists) 0.41 (down from 0.91) to CJN 1.0; Justice of Supreme Court. 0.81 (down from 0.83; Head of service (Federal) 0.85 (up from 0.83; Permanent Secretary (Federal) 0.64 (down from 0.69; of Army General or its equivalent in Armed Forces 0.88.

The Medical Consultant who was earning well above the Head of Service of the Federation, the Permanent Secretary, Justice of Supreme Court in 1975 by 2003 earned less than $\frac{1}{3}$ of the salaries of these same officers. NMA estimates that there are 37,000 Nigerian medical doctors in the United States of America and over 10,000 in Britain. That is a total of 47,000 while only about 27,000 doctors are practicing in the country. With a current estimated 2012 population of 170 million the country is left with a doctor-population ratio of 1:6,000. This is against the WHO standard of 1:600 doctor-citizen ratio. Given that 40 percent of all doctors practising in Nigeria work in Lagos (Interview: Dr Giwa, President Lagos State NMA, May 15, 2005) and that 70 percent of doctors work in urban centres, the general health status of the public especially rural dwellers can better be imagined. Inside the NMA, union activism is more of a feature of those employed by the state and who work in government primary, secondary health facilities and specialist hospitals. Numerically they are in the majority and feel a great need for unionism. State-employed doctors provide leadership to the union as trade union and thereby determine actions and disposition of the body.

Doctors employed in private practice or in self-employment in the country are understandably less union conscious and active not because they have less worries but because they have no collective organizational platform from which to sort out the terms and conditions of work with their employers. Similar to ASUU, the NMA is inclined simultaneously to the protection of multiple interests as well as a readiness to subordinate members' interest to the public good and upholding best professional standard of practice. Historically, in its activities the NMA displays an overarching interest in the overall health care status of Nigerians as a whole rather than the limited interest of its membership. Thus while the national body has embarked on strikes repeatedly over 10 times since 1975 (e.g. in 1978, 1981, 1982, 1984, 1985, and 2007, etc) (Nwabueze, 2011) an analysis of the reasons advanced by the official organ of the NMA reveals the altruistic disposition of the Association (see NMA, 2006).

In summary three broad issues are involved in the struggle by academics and medical doctors against the state. These are: (a) debasement, humiliation and relative deprivation of their members through whittling down their remuneration and other terms and conditions of work. (b) continuous deterioration of the conditions of public health, public education, particularly university education, through persistent disregard for collective bargaining, and (c) general failure of state to supply stable electricity and fuel and to ensure transparent governance and public welfare.

Features of Altruistic Unions

It is not every union that has what it takes to look at the authorities on the face, assume the role of public defender, escape sanction altogether and continue to exist. The unions fall back on some specific structural, organizational and operational peculiarities. Perhaps the greatest asset of the unions is the quality of their membership. They are professionals, with immense expertise that takes long time and considerable expense to train and difficult to replace if lost. ASUU in particular is a pool of very diverse expertise under one umbrella. Government (their employer) also acknowledges that not only do they constitute the critical mass of intellectuals in the country the universities and public health institutions where they are employed are the repository of the best experts and professionals in the land. The services that they render, that is, education and health are essential and are structural platforms for touching the people with government policy. They are therefore at the core of social essence of government. In university education and public health care members of ASUU and NMA constitute the majority of service providers.

In 2012 out of the total of 109 universities in the country 68 or 62.4% are state-owned while 41 or 37.6 are private proprietorship institutions. In a similar way state-owned health facilities account for a little over 78% of the conventional health services to the people. For universities, although private universities are growing rapidly in number the bulk of university students are still catered for by state-owned universities. In 2010, for instance, of the 605,068 students enrolled in Nigerian universities, 558,225 or 92.3% were in federal and state-owned universities. Only 46,843 students or 7.7% of the total were in private universities (NBS, 2011). State-owned universities and government side of NMA are therefore so significant to the continuation of the state and growth of society. The two unions have very strong national organizations with well integrated national, state and local chapters. The coverage of each union is high among the professionals they represent. So also is the strength of the membership. Membership loyalty and commitment is strong while the executive committees are made up of highly experienced, popularly elected, responsible and democratic leaders. Ideologically the unions have remained neutral and politically non-partisan.

The leaders demonstrated high integrity and that's why the state is unable to influence their action or compromise their collective resolve. Financially, the unions are considerably independent. They enjoy public recognition and acceptance as the voice of the voiceless. Because of public service traditions and regulations state employees naturally enjoy relative security of tenure and the absence of fear of sudden loss of employment emboldens employees to be active unionists. Moreover, as professionals, many have fallback alternative sources of income in the event of threat or loss of job. The collective strength of the unions provides the necessary institutional shield against individual victimization or scapegoatism.

Desirability of Emergence of the Public Defender

Why is it necessary for organizations other than government or communities to arise to defend public interest? Three justifications are discernible. One is the apparent failure of government to provide the basic comfort to citizens or defend their basic social and legal rights. Elitism, corruption, narcissism combine to weaken state institutions and structures for social welfare delivery. Often, government officials care less about the plight of the people. Coupled with this is a civil society that is unorganized, balkanized and disarticulated. It is fractured by the political class along partisan political, ethnic, religious and ideological lines. It is therefore incapable of common interest identification, aggregation and articulation let alone joining in action to protect their interest where government falters. Faced with these realities, individuals and groups see the gap and the need to shield the people from public authorities that readily abdicate their social responsibilities towards the people. It is bodies that have such features as ASUU and NMA have as described elsewhere in this paper that constitute an opportunity for social defence.

Attitude of the State to Unions' Defence of Public Interest

In Nigeria, the government has never hidden its disapproval of any union coming between it and the citizens. The view of government is that unions must confine their activities strictly within trade issues. To go beyond the terms and conditions of employment or the subjects of collective agreement, etc, is stepping into political matters beyond the boundaries set for normal trade union activities. Not only are unions prohibited from deploying union funds for political activities, trade unions are not allowed in their corporate status to join or advance the cause of any political party. Talking about prohibited behaviour, the Trade Union (Amendment) Act 2005, distinguished between disputes of right (DOR) from disputes of interest (DOI). Disputes of right are disputes connected with 'trade' matters, or disagreements, or issues emanating from the fundamental objectives and purposes of trade unions. Unions are generally allowed to engage their employers in disputes over such matters and to take steps to advance such causes. Conversely, disputes of interest are disputes not directly connected with the core objects of trade unions. It is in this category that most general matters of public interest fall and they are prohibited by virtue of the Trade Union (Amendment) Act 2005. When a union acts to advance public interest it tends to expose the inadequacy of government.

In the years running up to 2005, these two unions and the central labour bodies incurred the wrath of the governments in Nigeria by embarking regularly on strikes to clamour for the lowering of the pump price of petroleum products, stoppage of importation of refined petroleum products, advocating for continued subsidizing of imported petroleum products and the reactivation of local refineries. These were matters of public concern which made the unions popular and government unpopular. The 2005 Act was passed in those circumstances to remove the messiah-image from the unions that the people had come to perceive as defending them against official tyranny. Over the same period, other matters of public interest promoted by the unions included demand for handover by the military to elected civilians, prosecution of corrupt public officials, ending the necessity of government approval before new political parties were registered resistance against the unprecedented 3rd term presidential ambition by President Obasanjo and loss of Bakassi peninsula to Cameroon, etc.

**Research Findings- Attitude of Intellectuals to Strike **

Generally in the course of pursuing union interest or public interest university teachers and doctors engaged in government establishments in the country accept strike as an effective trade grievance processing mechanism. This belief in the efficacy of strike may have been encouraged by an ineffectual collective bargaining culture in which the government is habitually reluctant to enter into negotiation with its employees let alone implement collective agreements. Nwabueze (2013:140-142) provides illustrative examples of this behaviour from State-ASUU relations in Nigeria.

Because education and health are critical services determining the welfare and quality of life of the people and the pace of the development of society, inadequacies in these sectors are viewed with great concern by all stakeholders including the United Nations. They are readily perceived as cogent enough basis for collective action among the professionals in the sector especially if that will promote public interest. These professionals have begun to see strike as legitimate, reconstructive and functional. Information from our survey indicates that among lecturers (96%) and doctors (97%), strikes are regarded as effective and justified. Moreover, in spite of the frequency and prolonged nature of strikes that have occurred in the sectors, most intellectuals covered do not agree that the unions strike too often and so 74% of lecturers and 71.4% of doctors would support future calls to strike. Close to 82.7% of lecturers and 94.6% of doctors say that strike does not amount to confrontation with government. This is contrary to government's perception. Most of them support strike whether legal, wild cat or illegal as long as it is conducted peacefully. There is a controversy about some elements of legality of strike. Most members do not agree with subsequent legislative amendments which introduce preconditions for a lawful strike such as pre-strike members' majority ascent etc. However, 78.1% of lecturers and 64.3% of doctors are opposed to any form of violence during strike action.

Faith in collective action presupposes belief in the strength and capacity of a union. These groups of professionals exhibit high level of loyalty and commitment to their respective unions. Enrolment with the union, regular attendance at meetings, payment of check-off dues and readiness to serve in executive position were used as measures of union consciousness. Although membership is voluntary the coverage of ASUU is 97% while the NMA recorded 98% near total coverage. About 97% of academics and 96.8% of doctors signed into the automatic monthly check-off deduction. Loyalty during strike action is another source of strength of the unions. There are no reported cases of splinter unions, defection of members, refusal to contribute or demand for discontinuation of check-off contribution to the unions in all the strike actions.

One remarkable point to note in all this is that among these professionals there is as much enthusiasm in processing public interest disputes by way of strikes as there is in the struggle for core union rights.

Public interest as Basis of Collective Action

In order to evaluate the significance of public interest as cause of strike by doctors and university teachers, two approaches were adopted.

- i) The first was to draw a list of 20 general factors mentioned by these unions as accountable for strikes previously. The list contained 10 factors each of union and of public interest. Respondents were asked to indicate which of these they would support as justifiable basis for the union to embark on strike action. The result is as indicated below.

Table 1: Doctors/ NMA and Strike Justification

For which among these reasons is a strike by NMA justified?

(Tick beside any one that you pick)	N	%	Category
1. Sharp deterioration of health services	250	85.0	PI
2. Inadequate health policy	280	95.2	PI
3. Poor implementation of health policy	230	78.2	PI
4. Obsolete equipment in hospitals	267	90.8	PI
5. Lack of drugs in hospitals	288	98.0	PI
6. Overseas treatment of top government officials	290	98.6	PI
7. Over-working of /under-payment of doctors	280	95.2	DI
8. Placement of doctors in the general Unified Salary Scheme	291	99.0	DI
9. Systematic whittling down of doctors' remuneration	275	93.5	DI
10. Low priority accorded health in the state's scheme of things	280	95.2	PI
11. Poor hospital management system	260	88.4	PI
12. Loss of highly qualified health personnel to brain-drain	280	95.2	PI
13. Humiliation and debasement of the medical profession	293	99.7	DI
14. Poor state of basic utilities- water, electricity, etc	283	96.3	PI
15. Underfunding of the health sector	292	99.3	PI
16. Refusal to pay some allowances	290	98.6	DI
17. Poor standard of health care delivery to citizens	289	98.3	PI
18. High (hidden) cost of medical services	293	99.7	PI
19. De-classification of some teaching hospitals beforehand designated as West African Postgraduate Medical Training Centres	285	96.9	DI
20. Refusal to increase the rate of some allowances	290	98.6	DI
21. Exclusion/blocking of access of many Nigerians to modern healthcare	292	99.3	PI
22. Withdrawal of the Consolidated Tertiary Institutions Salary Structure (CONTISS)	283	96.3	DI
23. Re-institution of the Medical System Scale/Medical System Super Scale	281	95.6	DI
24. Creation of a Medical Service Commission and creation of position of Surgeon-General/Minister of Health	230	78.2	DI
25. Payment of arrears of monetization	280	95.2	DI

Source: Field Survey, 2008/9

DI = Doctors' Interest PI = Public Interest

The doctors covered in this study show a generally favourable attitude toward going on strike as a mechanism for achieving equity and fairness in the work place. Besides, there is no significant difference in the attitude of doctors to strike for advancing either personal interest or public interest. For instance, data from the Table 1 indicates that for both the DI and PI categories it is only 1 out of the total in the respective interest categories that the number of members supporting strike as a justified means falls below the 90 percentage point. For the rest 10 DI and 13 PI reasons an overwhelming majority feel that strike is good in both cases.

Table 2: Lecturers/ASUU and Strike Justification

For which among these reasons is a strike by ASUU justified?

(Tick beside any one of these that you pick)	N	%	Category
1. Poor remuneration/salaries and allowances of lecturers	638	99.4	LI
2. Termination of students cafeteria	640	99.7	PI
3. Withdrawal of subsidy on student accommodation	590	91.9	PI
4. Wage freeze in the national economy	589	93.1	PI
5. Government's refusal to negotiate with ASUU	641	99.8	LI
6. Government's refusal to implement sign agreements	640	99.7	LI
7. Government's refusal to implement collective agreements	639	99.5	LI
8. De-annulment of June 12, 1993 presidential election	633	98.6	PI
9. Refusal by government to reinstate the sacked lecturers	589	93.1	LI
10. Fuel price hike	605	94.2	PI
11. Under-funding of universities	640	99.7	LI
12. Non-implementation of monetization policy	600	93.5	LI
13. Inadequate funds/structures for research	630	98.1	LI
14. Strangle-hold on universities and loss of administrative autonomy	635	98.9	LI
15. Mass unemployment of university graduates	538	83.8	PI
16. Politicization of establishment of universities	627	97.7	PI
17. Fall in standard of education	630	98.1	PI
18. Inadequate infrastructure for conducive teaching /learning environment	640	99.7	LI
19. Causing and condoning brain-drain through poor remuneration of lecturers.	633	98.6	PI
20. SAP and reduction of public expenditure on education	599	93.3	PI
21. Institutional degeneration and decay of structures	641	99.8	PI
22. Transfer of University Senate powers to regulate academic matters to National Universities Commission-loss of academic freedom.	638	99.4	LI
23. Mass retrenchment of workers by government	610	98.0	LI

Source: Field Survey 2008/9

LI = Lecturers' Interest PI = Public interest

The case among university teachers is very similar to the situation among doctors. ASUU members show a positive inclination to strike as mechanism for industrial dispute resolution. They also do not distinguish between using it to advance their union interest and the interest of the general public. In fact they believe that it is legitimate in either circumstance. As can be seen from Table 2, for the two categories of interest, most members share the view that public or union interest are equally suitable and justifiable as reasons for embarking on strike action. This general view of members perhaps explains why the union has characteristically in the course of time gone on strike not minding or discriminating or distinguishing between core union interests and the general interest of the public at large.

- ii) The second approach was to operationalize public interest as commitment by the professionals to the whole society (CWS) as distinguished from commitment to union interest. CWS was evaluated in terms of responses to two questions. They are whether it is right for:
 - a) Members of the unions to see themselves as the conscience of the whole society? and for
 - b) Trade union law to limit unions to protect only the members' interest as against public interest?

The reasoning behind these questions is that a commitment to the whole society or preference for laws that accommodate public interest is indicative of public commitment among the members and vice versa. The answers to those questions were cross-analyzed with the readiness of respondents to support collective action in furtherance of those wider society concerns and the results are as reported and discussed below.

a) Conscience of Society and Strike Support

To begin with, among lecturers a fairly strong association between believing that they constitute the conscience of society and readiness to support strike action was found. With a chi-square value of 37.360 and a critical value of 16.812 at $P < 0.01$ the result shows concern for the public good or the feeling of being the conscience of the public as being a strong justification for collective action among university teachers. For instance, of the 642 academics that responded to this question 618 (96.3%) who say it is justified to be CWS believe that public concern is justified as reason for going on strike. A comparable result is obtained among doctors. Of the 294 doctors covered, 285 (87%) of those who think it is justified to be CWS also approve of strike as an adequate response when CWS or the public good is threatened with imminent jeopardy or injured altogether. Although such interests are categorized as disputes of interest and not approved as legal basis for going on strike, lecturers in state universities in this study believe that it is right for their union to embark on warning or prolonged strike to press home the demand for public good. They have consistently done this over the years.

b) Limiting Trade Union Interest and Strike Support.

On this it was sought to establish the altruistic disposition or otherwise of academics and doctors and how this relates to the propensity to support strike action for public good. Altruism is measured by their perception of the object of trade union law. It is assumed that an attitude of opposition to trade union law that limits their respective unions to only members' interests will be interpreted as indicative of public spiritedness on their part and vice versa. The distribution is cross-analyzed with their readiness to use strike to defend social rights and the result is as presented below.

Among academics the result shows a readiness to engage in collective action to advance public interest. With a chi-square value of 46.440 and a critical value of 26.217 at $P < 0.01$, public good symbolized by academics agreeing that their union, ASUU, should cater to much wider interest than just the members', is also widely agreed to be a justified basis for collective action. On the one hand, most academics approve of their union deploying its sources including calling them out on strike in order to advance CWS. Specifically, 79% of those who strongly oppose limiting laws regard strike against the employer as often justified while a lower 43.3% of those who support such laws feel that strike against the employer is often justified. In other words, a higher proportion of those who feel that their union should exist for the entire society feel that involving the union in strike for common purposes is justified than is the proportion of those who are opposed to the idea.

On the other hand, among doctors, 71.4% are opposed to any laws that may prohibit their union from defending the CWS. However, many doctors felt that the presence of such law is not a statistically strong rationale for engaging the state in a strike action as would any legislative curtailment of capacity to defend direct union rights.

Discussion of the Findings

The issue that emerges for interrogation here is whether doctors' and academics' commitment and concern for the whole society could be (or has been) a reason strong enough to make them rebel, to motivate a desire for social struggle by them where they perceive that the ruling elite have failed in its duty to protect the interests of the wider society. This statement implies three constituent interrogations. One, are intellectuals social advocates or do they agree that they are custodians of society's wider interests? Two, has the ruling elite failed to fulfil its obligation to the people? Three, what impact has being social advocates and failure of the elite (if that is the case) in the social contract that subsists between state and society had on the industrial behaviour of intellectuals? We would address these questions one after the other and finally draw conclusions.

On the first question the expectation is that if it is demonstrated that academics and doctors will be willing to 'fight' the government where they perceive that the ruling elite is failing in the duty to protect the interest of the common man, that should be sufficient proof of their accepting that they owe the public the duty of care and that this duty is a matter of sacred obligation.

On whether they admit that they are socially committed to the whole society, 96% of lecturers and 87% of doctors agree that this is the case. In addition to that measure, evidence in the study shows that most academics and doctors perceive education and health as government's responsibility. Close to 80% of academics and 87% of doctors are satisfied that their Unions (ASUU and NMA) behave like messiahs. Close to 79% of academics and 71.4% of doctors oppose any laws that prohibit or limit trade unions, including their own, from protecting the general interest of the wider society.

Most of them (88.4% of academics and 88.6% of doctors) do not care that this messianic role pitches their union against government and would wish that their unions do not stop but continue with this policy. Equally instructive is the way they feel about the interest of the public. The reasons they offer for agreeing that their unions and themselves should remain defenders of the public interest are important references. For example, while academics worry that civil society is voiceless, doctors' first reason is that government is insensitive to the plight of the masses. Equally worthy of note is the order in which those reasons or factors will lead to sustained struggle (strike often justified) among these intellectuals for the protection of the public good. The first of the reasons is that - all parts of society are integrated, that is, that all humanity is one and the division into senior and junior staff unions or into unionized and non-unionized society is artificial and counter-productive. The third reason is that civil society is divided, non-cohesive and mal-integrated on many fronts. They agree that the major divisions within society are foisted on society by the ruling elite in order that it does not provide any strong or formidable opposition to official misrule. These reasons do not only portray academics and doctors as altruistic but also justify their resolve to become the mouthpiece of the rest of the society.

Finally, the impact of this failure on the behaviour of intellectuals is that they have continued to add society-wide inadequacies of the state to the inadequacies in the conditions of their work place in their struggle for improved conditions for all and for a better society. The struggles which NMA and ASUU have embarked upon have therefore not been for their limited groups' interests alone; they touch on desires of all and sundry. A few examples will suffice to illustrate this point.

For ASUU they are: saving Nigerian education sector as a whole, de-annulment of June 12, 1993 general elections, reversal of increases in pump price of petroleum products, opposition to the Structural Adjustment Programme and rescue of Nigerian economy. Others are denouncing of official corruption, resistance over privatization of the 102 Unity Schools, condemnation of graduate unemployment and general unemployment in the economy, brain drain in all sectors and wage freeze and retrenchment of workers. Equally of concern to academics is the termination of university students' cafeteria system, poor state of social infrastructure throughout the whole country, free education, and living and learning conditions of students in the Universities.

On the part of NMA, the following reasons are notable, that is: retrenchment of workers and wage freeze, general deterioration of conditions in the health sector, declining child and maternal health indicators, cost of procurement of medical services, inadequate national health policy, official corruption and brain drain.

The public interest reasons have therefore featured prominently side-by-side with the groups' interests. This is a further proof that intellectuals have engaged in collective struggles in furtherance of the public good, that is, causes that are over and beyond the groups' interests to include society-wide deficiencies and inadequacies.

In conclusion, the findings show that arising from a basic commitment of intellectuals generally to the good and justice of the whole society as a *noblesse oblige* (as a sacred duty), they are motivated to 'fight' not only by their immediate group needs but also by the common good of the whole society seeing that the ruling elite have failed the masses who, in turn, are regrettably rendered voiceless.

Trade Unions, Social Defence and Social Theory

In explaining the necessity for the rise of social activism among civil society organizations to engage in the struggle to defend the public interest in the context of a failing state, four concepts are appropriated in aid. These are social contract, state responsibility deficit, alienation and opportunity. It is postulated that the emergence of the messianic role among the central labour bodies and the trade unions of intellectuals and professionals in Nigeria is a consequence of the ubiquitous and continuous breach of the social obligations which the state owes the citizens with particular reference to socio-economic infrastructure and social services. The origin of the obligation is tied to the doctrine of social contract enunciated variously by Thomas Hobbes (1587- 1679), John Locke (1632-1704), Jean-Jacques Rousseau (1712-1778) and anchored on the notion that the authority of government emanates from the explicit consent of the governed. The social contract between the state and citizens creates mutually binding bundles of obligations and expectations as well as rights on either side. It is this fundamental commitment that justifies the essence of government which in S. 14(2)(a) of the Constitution of the Federal Republic of Nigeria declares that "...the security and welfare of the people shall be the primary purpose of government" Complementarily, in S.24 (a-f) the duties of the citizen are listed.

The people as a habit evaluate the government by the extent to which it discharges its binding obligations in the contract. Where it discharges its obligations, the duty of social defence may be undesirable. Whereas if gaps exist and state failings adversely affect the welfare and security of its citizens, strong and organized bodies in civil society may be incensed to rise to the buffer zone in order to defend the citizens' rights against state failings. Where such failing is widespread and biting hard, the people experience mass disaffection and, in extreme cases, alienation. Alienation is viewed from two perspectives (a) a structural dislocation or separation from the state, - this is the feeling of loss of a sense of belonging, or of being dislocated from the 'body' of the state as an irrelevant component. (b) a feeling of loss of state protection by the citizens- the people feel they have lost the attention, protection and promotion of their welfare by the state whether at work or outside work (Nwabueze, 2011: 21-22) Alienation begets despondency.

Thus the strength of the motivation to defend public interest and the range of alternative actions that may be considered suitable in so doing will depend on the extent, depth and prevalence of state responsibility deficit, that is, the magnitude of the breach of obligation and the resulting denial of rights. Individuals, groups, interests and institutions that will rise as social rights activists must possess the capacity to dare the state and remain in existence. In the case of these unions a strong national structure and organization, financial independence, trade union/professional privileges and collective bargaining power as well as the unique character of the membership including high skill quality, indispensability, hard to replace, and strong connections to the arteries of state power constitute the opportunity that they leverage upon to act as public defenders. The question that calls for further investigation is the efficacy of citizen social rights defence through sustained trade union struggles and professional activism.

Conclusion

A person that strives to secure the good of all has already secured his own – Confucius (551 – 479 BC)

While this is true the opposite is not. One does not necessarily promote public good by securing his personal good. In deed in certain situations striving to secure the personal good may conflict or jeopardize the common good.

This investigation reveals among other things that ASUU and NMA consider public interest as cogent as their members' interest as reason for embarking on strike action. A content analysis of the factors accounting for strike action overtime complements the empirical evidence that group and public interest are in several examples co-determinants. Moreover, the unions readily subordinate group interest to public interest. Both unions interpret the struggles in education and health as in the overall interest of the public particularly those that consume their services and patronize their institutions. When lecturers and doctors are well motivated, they reason, students and patients will enjoy improved services and conditions. However, in certain instances such as the little over six months strike by ASUU from July 2013 to January 2014, although Earned Allowances and adequate funding of universities, the first being group interest, and the other, public interest, sections of the public interpreted the strike as being against public interest given the disruption of academic calendar and social vices to which youths were exposed in the period of the action.

ASUU rejected that argument as misinterpretation of reality. Perhaps a public interest that this strike and others like it served is drawing closer and prolonged attention of everybody to the gross inadequacies in university education sector and the massive resources that will need to be ingested to revamp the sector. While most segments of the public share the view that conditions are not optimal in universities and hospitals only few believe that strikes have helped a lot or will solve the problems in the future. A higher percentage believe that time has come that lecturers and doctors in public institutions began to seek alternative ways to revamp the sectors or show their grievances other than strike action because of its 'disruptive' effect which, as they say, does no good to public interest after all.

Two key changes that must occur to stabilize the university sector are the charging of school fees at undergraduate level to increase internally generated revenues and the volume of funds available for running universities and thereby reduce the financial burden on government. This solution which will in the long run be the solution is in the short-run unpopular among students, ASUU executive, civil rights activists etc. But as long as the government resources are not limitless, this option remains a bitter pill that must ultimately be the antidote. The second is the formation of a stable, permanent government negotiation team comparable to the ones summoned by ASUU in each case so as to match it in intellect, negotiation skills and experience.

The dependence on ad-hoc teams by government in the past led to the embarrassing Agreement of 2009 which like a bad debt is a 'bad agreement' which cannot be fully implemented due to the high cost implication. The Agreement threw the system into turmoil as, on one hand, the government could not afford its obligations and, on the other, it could not be withdrawn or adjusted as no clause that will enable that to be done was inserted. ASUU instead opted for implementation first before any re-negotiation in line with the provisions of the collective agreement and this was the source of the stalemate in 2013.

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