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**Kampala International University,
Uganda.**

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Editorial

This issue of *KIU Journal of Humanities* touches on organizational development, development administration, diplomatic relations, clinical child psychology, philosophy and education, legal studies and literary analysis.

In Organizational Development, Oluka analyzes the prepotency of needs and reward valence of employees in the Uganda's Ministry of Local Governments. He advises the government to set up policies and guidelines to identify and meet the needs of employees; find ways of rewarding employees by enhancing their salaries, allowances and other motivational strategies. Looking at the effect of the Reward Management System (RMS) and Cost of Living (COL) on the Performance of academic staff in the selected private universities in Uganda, Emuron advises management of private universities to always adopt reward policies that are responsive to changes in their workers' cost of living. Abubakar highlights some of the major challenges of managing newspaper organizations in Nigeria and concludes that Journalism training has to be reoriented to accommodate more training in economics, the arts and the economy in general.

In the Second Part which is devoted to Development Administration, Assair and Oketch examine the relationship between youth empowerment and reduction of unemployment in Gardo, Puntland, Somalia. They suggest that the State should join hands with non-governmental organizations to put in place programs that target the youth. Wandiba also examines the level service delivery in the divisions of Kampala District, Uganda and recommends that leaders of divisions of Kampala district should close the gaps between the high to very high scores of service delivery by monitoring the teachers, local council workers, and health workers that provide the services and a two way research tool of those who get the services and those that provide the services to be used for representative responses. Sota, finally, examine the role of local authority leaders in traffic accident prevention in rural areas of Northeastern Thailand and suggests that it is very important to have capacity building for traffic accident prevention in local authority leaders in rural areas for increasing concern and good behavior for traffic accident prevention and create activities in the communities for decreasing number of traffic accident.

In part three, Majok and Oketch report their findings on the effect of Security Threats on Diplomatic Relations between South Sudan and Sudan and recommend that sustainable security promotion between South Sudan and Sudan should be a

comprehensive and coherent approach against security threats to diplomacy which should be implemented by both countries. Ikegbu also examines China's development aid assistance to Africa and concludes that although China provides aid to Africa simply because China wants resources, China's contribution towards the achievement of development in Africa is quite significant and cannot be undermined.

In the Section on Clinical Child Psychology, Imbuki establishes that most of the children with Hearing Impairment came from Low social economic status Societies and that an Hearing Impaired child was at a higher risk of HIV infection due to poor communication skills, abuse from the hearing communities and little information about HIV. Based on these findings, he suggests that there is need to use a different language of communication for the children with Hearing Impairment about HIV. Nafiu and Okello also examine how maternal age at first birth, maternal age, previous birth interval, maternal education, maternal occupation, paternal occupation, latrine use and source of drinking water affect under-five mortality prevalence in Abim District, Uganda. They recommend that campaign against early marriage and teenage pregnancy be explicitly done, mothers be encouraged to exclusively breastfeed for at least 2 years, mothers be sensitized about the advantages of family planning, personal hygiene and good sanitation be continuously practiced if under-five mortality in the Abim District is to be controlled.

Under Philosophy and Education, Adeleye examines naturalism and its tenets on education. He discusses positions of prominent the exponents of this school of thought in order to bring out its implications for education. Ogunlade and Ariko establish that there is no significant relationship between age difference and management of students' discipline and that students' average level of perception are significantly different from teachers' perception on the use of ICT in relation to the management of students' discipline. They, therefore, recommend that tutors should combine their knowledge of education and training with their experience as parents in applying rules and regulations towards management of discipline among students. Sapele and Ekereke finally discuss the contributions of education to politics as medium for grass root participation. They conclude that for effective participation in politics especially the grass root, education has to be given its rightful place as proper funding from federal, state and local governments should be made a priority to make the sector produce the desired results which will stimulate political participation.

In Legal Studies, Sanni explores the meaning of the right to health and emphasizes its relationship with medical liability which lead to cause of action in negligence or criminal liability. Looking at the issue of court's jurisdiction as a threshold issue, Ariyoosu recommends transferring cases to the appropriate court rather than striking out for want of jurisdiction for the proper and effective administration of justice. Relying on observation derived from documentary sources such as case

laws, charters, treatise, journals, books and field observation, Tarabinah establishes that the Alien Torts Claims Act provides compensatory and punitive awards for damages against violations of international law and that a non U.S. resident can successfully assert a claim against a tortfeasor under the Alien Torts Claims Act in a U.S. Court. He suggests that foreign government of the home state of transnational corporations should ensure that people whose fundamental human rights are violated by the operations of oil transnational corporations domiciled in their territory should have unhindered access to effective remedy through the legal system. Ariyoosu and Ayinla also discuss the imperative of the relevance of Mini-Trial and other ADR processes that are yet to be explored in Nigeria but which are functional, in view of the yawning towards ensuring a practical application of ADR in the Nigerian telecommunications industry.

Through Literary Analysis, Udi explores how Africans struggled against the colonization in Kenya and how the people of Niger Delta in Nigeria currently respond to economic and political woes of the colonialism imported into the Postcolonial era. Oboli also examines the attempts of African novelists to explicate the effect of the absence of mothers in a family and especially in the lives of children. Finally, Alonge and Akinyede reveal that explicit phonics instructional strategy has an effect on pupil's literacy skills. They therefore, recommend that effective use of explicit phonics instructional strategy should be adopted in teaching and learning of literacy skills.

On the whole, articles in this maiden edition of *KIU Journal of Humanities* are both strongly theoretical and applied. They provide solutions to some of the problems confronting communities, societies, economies, and the environment. The authors' teachings and areas of research must certainly influence their perspectives on the diagnoses of the matters they have addressed. The methodologies used in the articles are useful to academics and policy makers. Thank you for reading the articles.

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Part One
Organizational Development



Prepotency of Needs and Reward Valence of Employees in the Ministry of Local Governments, Uganda.

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Abstract. The study analyzed the prepotency of needs and reward valence of employees in the Uganda's Ministry of Local Governments. Specifically, the study aimed at determining the influence of Maslow's hierarchy of needs, that is; physiological needs, safety needs, belonging needs esteem-needs and self –actualization needs on reward valence of the employees of the government ministry of Local Governments in Uganda, comparing if there was a significant difference between male and female respondents as to: extent of prepotency of needs and level of reward valence; and establishing if there was a significant relationship between prepotency of needs and level of reward valence. Standardized - Self-Administered Questionnaires by Reasoner (1976) (SAQs) together with a Research Devised Questionnaire were utilized for data collection. Data were analyzed using frequency and percentage distribution to determine the demographic characteristics of all respondents of the study while the mean and standard deviations were used in determining the extent of prepotency of needs and level of reward valence. An item analysis was used to illustrate the strengths and weaknesses based on the indicators in terms of mean and rank. The Analysis of Variance (ANOVA) was utilized to test the difference between means of hypothesis one (Ho#1) at 0.05 level of significance. A multiple correlation co-efficient to test the hypothesis (Ho#2) at 0.05 level of significance using a t-test was employed. The regression analysis R² (coefficient of determination) was computed to determine the influence of the dependent variable on the independent variable. The study revealed that there was influence of; physiological needs, safety needs, belonging needs esteem needs and self-actualization on reward valence was satisfactorily meant for both the male and female respondents. From the findings, the researcher concluded that the employees, physiological needs, safety needs, belonging needs, esteem needs and self – actualization needs were fairly met in the Government Ministry. The researcher recommended that the government should set up policies and guidelines to identify and meet the needs of employees; find ways of rewarding employees by enhancing their salaries, allowances and other motivational strategies. All these should be gender sensitive.

Key words: Prepotency of Needs, and Reward Valence of Employees

1. Introduction

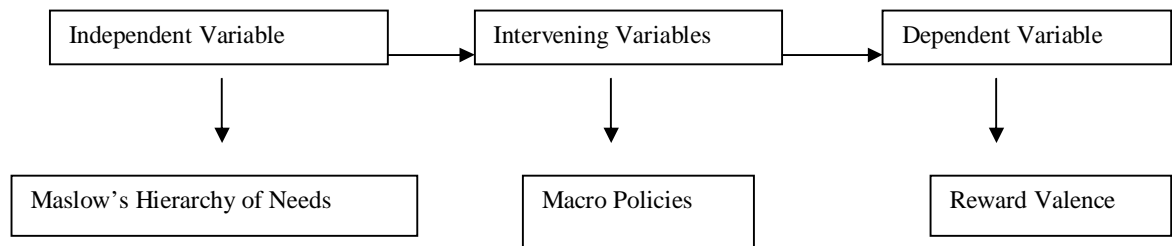
The public service in Uganda was once described as the best in service in Africa south of the Sahara. Of recent, it has been characterised by lower work performance, poor service delivery, indicated by absenteeism, lateness, corruption and low quality output. This is in spite of the high quality staff it has (Byarugaba, 1978). One has to ask what happened? This potential of high performance is stifled by inability of the hitherto civil service reforms to fully integrate prepotency of needs and reward valence. Our effort will have a significant positive impact on the civil service motivation leading to high performance. It is an attempt to diagnose what went wrong and arrive to a prescription.

The interactions between the civil service and the private sector in Africa, as elsewhere, are complex. The nature of the relationship between the two varies with a country's history, economic policies and political orientation. Even so, it is possible to identify some common threads of experience that have defined the relationship between the two sectors in Africa. The commonly observed pattern of state activism in all African countries in the first two decades of post-independence meant that nationalism, rather than socialist ideology, was the dominant influence. Nationalism supplied the impetus for the Africanisation of the civil service. And nationalism also inspired the nationalization or indigenization of foreign enterprises that dominated the private sector in several African countries at independence. Now, it is economic reforms that are re-defining the relationship between both sectors (Otobo nd).

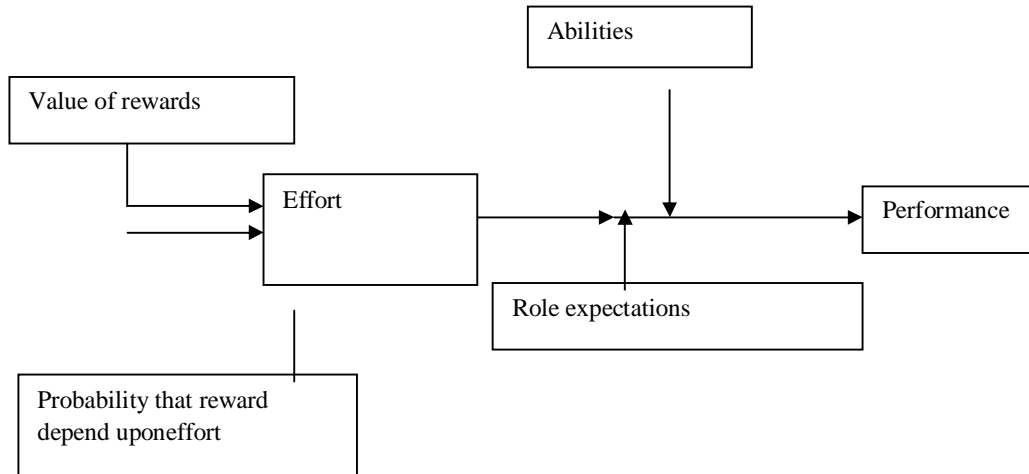
The effects of nationalist orientation were manifest in several ways. For example, before the onset of the economic crisis in the mid-eighties, the civil service witnessed a phenomenal growth in size. By contrast; the private sector virtually atrophied or, in any case, was not the "dynamic" sector, after allowing for the fact that agriculture in many African countries remained in private, mostly rural hands. It is, therefore, not surprising that, during this period, there was an uneasy relationship between the civil service and the private sector for several reasons. First, the exuberance of nationalism cast the private sector as agents of imperialism and the civil service as an embodiment of patriotism: Second, as the growth of the civil service led to a fall in the quality of its services, the efficiency of the private sector suffered as well. Third, the civil service was used to push the nostrum of government into areas that should have been left to the private sector. This particular action bred competition between both sectors and fuelled the "conflict" between the civil service and the private sector (Otobo nd).

2. Literature Review

2.1 Conceptual framework



This could be shown farther by using Potters Model as an explanatory tool.



Adopted from: Motivation Model (Porter and Lawler-1968: 75).

Armstrong and Stephens (2005:74) have stated that motivation is likely only when a clearly perceived usable relationship exists between performance and outcome, and the outcome is seen as a means of satisfying needs this explains why extrinsic financial motivation-for example, an incentive or bonus scheme – works only if the link between effort and reward is understood (there is a clear ‘line of sight’) and the value of the reward is worth the effort. It also explains why intrinsic motivation arising from the work itself can be more powerful than extrinsic motivation. Intrinsic motivation outcomes are more under the control of individuals, who can judge from past experience the extent to which advantageous results are likely to be obtained by their behavior.

This theory was developed by Porter and Lawler (1968) into a model which follows Vroom’s ideas by suggesting that there are two factors determining the effort people put into their jobs (1) the value of the reward to individuals in so far as they satisfy their need for security, social esteem, autonomy and self-actualization (2) the probability that reward depends on efforts, as perceived by individuals – in other words, their expectations of the relationship between effort and reward. Thus, the greater the value of a set of rewards the higher the probability that receiving each of these rewards depends on effort, the greater the effort that will be made in a given situation. But as Porter and Lawler emphasize, mere effort is not enough. It has to be effective effort if it is to produce the desired performance. The two variables additional to effort which affect task achievement are (1) ability-individual characteristics such as intelligence, manual skills, know-how (2) role perceptions- what individuals want to do or think they are required to do. They are good from the point of view of the organization if they correspond with what it thinks the

individual ought to be doing. They are poor if the views of the individual and the organization do not coincide.

Maslow's hierarchy of needs theory states that an individual has a hierarchy of motivational needs (Maslow, 1954); the most basic needs are physiological, including the need for food and sleep. The next level is safety needs, including security and stability needs. In level three, we find needs of belonging and love that are also termed social needs, including love, be loved, and a sense of belonging. In level four, we find the needs for self-esteem, including achievements, respect and recognition from others. Finally, Maslow believes that in the highest level of needs are self-actualization needs, which refer to people's aspirations to achieve self-fulfillment and realize their potential.

Sheldon et al. (2001) reviewed Maslow's hierarchy of needs theory and related research and proposed that pleasure-stimulation is one of the ten most basic human needs.

Happiness is achieved through the pursuit of pleasure, enjoyment, and comfort in the hedonic view and through seeking to use or develop the best in oneself in the eudemonic view (Huta and Ryan, 2010). Moreover, eudemonia also refers to the feeling of moving toward self-realization (Waterman et al., 2008) and is similar to self-actualization associated with more-frequent peak experiences (Huta and Ryan, 2010). However, all these theories provide vital related studies but did not find out the extent of the prepotency of needs and reward valence among employees in the public sector of Uganda.

2.2. Theoretical Perspective

Theoretically this study is based on the theory of Abraham Maslow's hierarchy of needs that states that we must satisfy each need in turn, starting with the first, which deals with the most obvious needs for survival itself. Only when the lower order needs of physical and emotional wellbeing are satisfied, are we concerned with the higher order needs of influence and personal development. Conversely, if the things that satisfy our lower order needs are swept away, we are no longer concerned about the maintenance of our higher order needs (Cole, 2004:36).

The study was anchored on Maslow's theory of hierarchy of needs that is the prepotency of needs, which is operationalized as; physiological needs, safety needs, belonging needs, esteem needs, self-actualization needs and reward valence which has 16 items which are; the value of the rewards positively affects the employees to satisfy their needs for security, each individual in the ministry thinks that the value of a reward meets the need for some esteem, the need for autonomy is necessarily satisfied by the value of the reward, supervision should aim at having employees' needs met by the value of the rewards as regards the effort that the employees put on the job, the value of the reward depends upon the effort perceived by an individual in the ministry, many employees' expectations on reward should be commensurate with their efforts, the individual in the ministry perceives the value of a reward in terms of effective effort if it is to produce the desired performance, the realization of the value of a reward depends entirely on the effort of the individual at work, the value of the reward is closely associated with the organization's or ministry's expectations of employees work, employees must be rewarded if they perform beyond the ministry's expectations, organizational structure positively affects the reward valence, organizational systems positively affect the reward valence, organizational processes positively affect the rewarding systems, incentive and bonuses would improve the performance of employees and management makes judgments for salary increases,

promotions, transfers and sometimes demotions or terminations. These variables the independent and dependent variables are meant to study and examine the effects of the employees of the Ministry of Local Governments in Uganda.

2.3 Prepotency of needs/hierarchy of needs

These are motivational needs of the employees of the government ministry under the study. In this study, the prepotency of needs is categorized as follows: physiological needs, safety needs, belonging needs, esteem needs and self-actualization needs Koontz and Weirich (1988:416). The researcher analyzed these needs as they concern the employees of the Ministry of Local Governments in Uganda.

With the high number of employees, the Ministry of Local Governments with 250 employees, (150 males and 100 females) recruited and appointed by the government of Uganda to carry out their activities, it seems to suggest that the government of Uganda is committed to delivering results. The ministry of Local Governments has employees both at the headquarters and in the districts. This is why the researcher selected the ministry for this study

2.4 Reward Valence

Shields (2007) in discussing rewarding employee performance cite McAdam (1999) who defined "recognition plans" as those that "honor outstanding performance after the fact and are designed for awareness, role modeling, and retention of recipients." McAdams (1999) cited by Shields (2007) affirmed to this study when he distinguished between recognition plans and performance improvement plans in that the former are retrospective and generally discretionary in nature, whereas, the latter are formula driven and specify both performance expectation, targets or goals and potential reward outcomes in advance of actual performance.

Recognition for immediate past performance may involve rewards that are either financial or nonfinancial in nature. However, the cash and non-cash approaches are by no means mutually exclusive and frequently go hand in hand in a (total reward management approach). He recognized that awards can be categorized according to six main dimensions; the frequency with which rewards are given (day to day, weekly, monthly, quarterly, yearly); whether recipients are individuals or groups; how award recipients are determined (by supervisors, peer nomination, or customers); the performance criteria (membership behavior, task behavior, organizational citizenship behavior, results); The fifth main dimension of recognition is the degree of plan formality and structure, Informal plans include ad hoc awards issued at the discretion of the supervisor; more formal or structured plan include employee of the month awards that cascade through to "employee of the year" ceremonies. The sixth dimension is the form that the award takes (cash, none cash or combined cash and none cash).

He added that, while many recognition plans are based on supervisory assessment of employee excellence in many cases decisions about award recipients are made by peers. Peers are said to invest awards with greater credibility and reward valence. Peer nomination also allows employers to side step the need to find objective criteria for measuring employee performance.

Recognition should be both celebratory and fun; if one can reward a person and have fun in the process, one will satisfy two important desires of most employees; to be appreciated for the work they do and to enjoy their jobs and work place. The “Rewards and Recognition” scheme may include a “Thank You Note” (leading to cash prizes) Cash best ‘achiever of the year awards’ “Great Performance Award”, “Chairman’s Award for Quality” and international “Great Performance Grand Award” (Shields, 1994). McAdam affirmed to this study when he discussed the reward management approach.

The Porter and Lawler Model, (1968) cited in Armstrong and Stephens 2005:pg. 69-83) indicated that the amount of effort (the strength of motivation and energy exerted) depends on the value of a reward (plus the amount of energy exerted) plus the amount of energy a person believes is required and the probability of receiving the reward. Essentially, it proposes that a reward system will promote desired task behavior where; it offers valued rewards commensurate with the effort required, and it establishes a clear and achievable pathway between effort and reward (Shields, 2007).

The perceived effort and probability of actually getting a reward are in turn also are influenced by the record of actual performance. Clearly, if people know they can do a job or if they have done it they have a better appreciation of the effort required and know better the probability of rewards. Actual performance in a job (the doing of tasks or the meeting of goals) is determined principally by effort expended. But it is also greatly, influenced by an individual’s ability (knowledge and skills) to do the job and by his or her perception of what the required task is (the extent to which the person understands the goals; required activities and other elements of a task.

Performance in turn, is seen as leading to intrinsic rewards (such as working conditions and status). Those rewards tempered by what the individual sees as equitable and believe in satisfaction. But performance also influences sensed equitable rewards. What the individual sees as a fair reward for effort will not necessarily affect the satisfaction derived. Likewise the actual value of rewards will be influenced by satisfaction. In the theory, Porter (1968) meant that managers should have their reward structures and that through careful planning; managing by objectives and clear definition of duties and responsibilities by good organization structuring the effort performance- reward satisfaction system can be integrated into an entire system management.

An important factor in the motivation is whether individuals perceive the reward structures as being fair. Equity theory refers to the individuals ‘subjective judgments about the equity or fairness of reward they got in relationship to the inputs (which include many factors such as effort, experience, education, and so on) in comparison with others. Adams (1999) has received a great deal of credit for the formulation of the equity (or inequity) theory the essential aspects of the equity theory may be shown as:

$$\frac{\text{Outcomes by a person}}{\text{Inputs by a person}} = \frac{\text{outcomes by another person}}{\text{inputs by another person}}$$

There should be a balance of the outcomes /inputs relationship for one person in comparison with another person. This is reflected in the study of the three government ministries both public and private. The study sought to prove this hypothesis. If people feel they are inadequately rewarded, reduce the quality of or quantity of input or leave the organization. If people perceive rewards, as equitable, they probably will continue at the same level of

output. If people think that the rewards are greater than what is considered equitable, they may work harder. It is also possible that some may discount the reward. One of the problems is that people may over estimate their own contributions and the rewards others receive.

Developed by Psychologist B.F. Skinner (1988) is called Positive Reinforcement Behavior Modification, this holds that individuals can be motivated by proper design of their work equivalent for poor performance modulates negative results. Specific goals are not then set with winners' participation and assistance, prompt and regular feedback of results is made available and performance improvements are rewarded with recognition and praise. Even when performance does not equal goals, ways are found to help people and praise them for the good things they do. It emphasizes the removal of obstructions to performance, careful planning and organizing control through feedback and the expansion of communication. However, these theories fall short of not having investigated the prepotency and reward valence of employees in Uganda public service which this study intended to do.

3. Research Hypotheses

To this end the study proposed these null hypotheses:

Ho#1: There is no significant difference between the prepotency of needs and reward valence of employees of the government ministry.

Ho#2: There is no significant relationship between prepotency of needs and reward valence of the employees of the government ministry.

4. Methodology

The study used descriptive correlations survey mainly because the researcher was interested in the determination of whether or not and to what extent an association existed between physiological needs, safety needs, belonging needs, esteem needs, self-actualization needs and reward valence were correlated. The two variables, the prepotency of needs which were operationalized as Maslow's hierarchy of needs and reward valence were itemized as quantifiable variables to determine how they are affected the employees in three government ministries. These were investigated by having a literature study, which was undertaken to identify motivational needs, Maslow's hierarchy of needs and reward valence.

The study utilized the Likert scale which consisted of the response modes of strongly agree, agree, neutral, disagree, and strongly disagree. An empirical research study consisting of a survey was conducted using two questionnaires:

1) The Standardized Questionnaires on prepotency of needs which was adopted from Reasoner (1976), which consisted of twenty (20) items referring to physiological needs (items 1,4,16,20), safety needs (items 2,3,9,19), belonging needs (items 5,7,12,17), esteem needs (items 6,8 and 17) and self-actualization needs (items 10,11,13 and 18). The response modes were strongly-agree (4), agree (3), disagree (2) and strongly disagree (1).

2) A Researcher Devised Questionnaire to determine the level of reward valence was used. This questionnaire had sixteen items with respond modes and scoring system similar to the standardized questionnaires on the influence of physiological needs, safety needs, belonging

needs, esteem needs and actualization needs. The researcher collected data from two quantifiable variables from the same group of subjects that is the employees of three government ministries and then compared how they varied.

The purpose of this research design was to compare two or more characteristics from the same group, to explain how characteristics vary together and to predict one variable from the other. The justification was to provide rigorous and replicable procedure for understanding relationships and to determine whether and to what degree these relationships existed between two quantifiable variables (Oso and Onen 2008:71). The interest here was to explore the relationship between the prepotency of needs and reward valence among the employees of three government ministries. Within this design, the descriptive comparative and correlation were also used to describe significant differences, and the cause and effect relationship respectively.

5. Validity of the Instruments

Validity is the ability to produce findings that are in alignment with theoretical or conceptual values, in other words to produce accurate results and to measure what is supposed to be measured. The two instruments measured what they were supposed to measure and thus the data collected honestly and accurately represent the respondents' opinions.

Furthermore, construct validity and factor analysis was ensured for the questionnaires and Cronbach alpha to test for the reliability of the research questionnaires. While the Standardized Questionnaires were selected to measure the extent of prepotency of needs and the information that was obtained served the purpose of the study. The validity of these questionnaires produced findings that were in agreement with the theoretical perspective, produced accurate results and measured what they were supposed to measure that is; the influence of psychological needs, belonging needs, safety needs, esteem needs, and self-actualization needs on the reward valence. The Research Devised Questionnaire also measured the reward valence as it was expected and was in line with the variable to be measured. This instrument consistently measured the reward valence of the respondents in the study. Hence the consistency shown as the dependent variable was measured. The validity of the two instruments was checked by the empirical validation and theoretical validation whereas the empirical validation was checked by the validity of the questionnaires against empirical evidence. Based on the theoretical validation the validity of the instruments was ascertained through theoretical and conceptual constructs. In both cases validity was upheld by the findings produced through the measures in question and supported by empirical evidence and theoretical principles.

6. The Content Validity

The content validity focused on the extent to which the content of the instruments corresponded to the content of the theoretical concept it was designed to measure. The content validity involved specifying the domain of the content for the concepts, constructing and selecting the indicator that represented that domain of content (Amin 2004:286) of which the coefficient of validity was measured as $CVI = \frac{\text{number of items declared valid}}{\text{total number of items}} = \frac{236}{567} = 0.416$.

Construct validity focused on the assessment of whether a particular measure related to other measures consistent with the theoretical perspective and derived the hypotheses

concerning the relationships among the two variables and concepts. Cronbach (1946) observed that, “construct validation takes place when an investigator believes his instrument reflects a particular construct to which are attached to certain meanings. The proposed interpretation generated specific hypothesis, which are a means of confirming or disconfirming the claim “thus necessity construct validity is assessed within a given theoretical context (Amin 2004:289).

7. Hypothesis One Testing

Ho 1

There is no significant difference between the prepotency of needs and reward valence among the employees of the Ministry of Local Government, Uganda.

Table 4.22: (Level of significance 0.05)

ANOVA TABLE

	Sum of squares	Degrees of freedom	Mean square	F Statistic	Sig.
	19.402	43	.451		0.000
	27.612	191	.145		
Total	47.014	234			

Using the Analysis of Variance to establish whether there is no significant difference between the Prepotency of Needs and the Level of Reward Valence among employees of the three government ministries, the results reveal a significant difference between the prepotency of needs and the reward valence (F= 3.21; Sig 0.000) of the employees of the three government ministries. To this effect, the null hypothesis that there is no significant difference between the prepotency of needs and reward valence of the employees of the three government ministries is rejected and the acceptance of the alternative hypothesis to the effect that there is a positive and significant difference between prepotency of needs and reward valence.

Hypothesis Two Testing

There is no significant relationship between the prepotency of needs and reward valence of the employees of the government ministry

Correlation between the Prepotency of needs and reward valence among employees of the local government ministry, Uganda.

Table 4.23

		Prepotency of needs	Level of reward valence
PREPOTENCY OF NEEDS	Pearson's correlation	1	.441 ^{xx}
	Sig. (2 tailed)		.000
	N	236	236
LEVEL OF REWARD VALENCE	Pearson's correlation	.441 ^{xx}	1
	Sig. (2 tailed)	.000	
	N	235	235

Correlation is significant at the 0.01 level (2 tailed)

Using Pearson's linear correlation coefficient test, to test for the relationship if any, between prepotency of needs and level of reward valence among the employees of the three government ministries, the results revealed a positive and significant relationship at the 0.05 level of significance (prepotency of needs $p = .441$ $r = .000$ and level of reward valence $p = .441$ $r = .000$). To this effect, the null hypothesis of no significant relationship between prepotency of needs and level of reward valence is rejected and the acceptance of the alternative hypothesis to the effect that there is a positive and significant relationship between prepotency of needs and the level of reward valence among the employees of the local government ministry, Uganda.

8. Summary of the findings

The specific objective 1 shown in table 4.2 was to find out the influence of physiological needs on reward valence of employees of the ministry of local government, which include: breathing, food, water sex, sleep, homeostasis and excretion. The study found that his objective 1 had an average mean of 2.70 and interpreted as fair on the influence of physiological needs on reward valence. This means that the respondents in that ministry are in agreement with the concept of awarding special wage increases to employees who do their jobs very well and were in agreement with all the items under this study as regards the influence of physiological needs of reward valence on employees. This findings reveals that the employees need to have well fair that will help them sort out their obligations and thus motivate them to work harder and be more efficient at work. The item on having good equipment to work with is important to employees had a mean of 2.88 which was interpreted as fair and ranked 1, showed that this item on the safety needs influenced the reward valence among employees highly. This study findings is in conformity with Vroom (1988) cited in Cole (2004:3) when he defined motivation theory and asserted that people will be motivated to do things to reach a goal if they believe in the worth of that goal and if they can see that what they do as staff can help them in achieving goals. The findings also agree with the level of reward valence which states that employees must be rewarded if they perform beyond the ministry's expectations which had a mean of 4.52 which was interpreted as very satisfactory and ranked 2.

This objective 2 shown on table 4.3 of the Ministry of Local Governments was to assess how safety needs influence the reward valence of employees of three government ministries; where these include: security of body, of employment, of resources of morality, of the family of health and of property. The study found out that the employees of the ministry of local government respondents had an average mean of 2.67 which was interpreted as fair showing that this need was fairly met by the management in that ministry. This finding also showed that the employees found all the other items in this study to be fairly met by the ministry. Based on these result better job descriptions was ranked as number 1, therefore, the employees need to be aware and have expectations in order to execute their duties well. The findings in this study are supported by Hagerty (1999) in his illustration of five needs. The second need was safety, such as safety from assault, murder and from chaos. He argued that Maslow arranged these five needs in a hierarchy where their fulfillment follows a fixed sequence.

In objective 3 shown on table 4.4 of the Ministry of Local Governments, the study dealt with finding out how belonging needs influence reward valence of employees of the ministry of Local Governments, these are friendship, family, and sexual intimacy. This objective three had an average mean of 2.09 and interpreted as very unsatisfactory.

The study found out that local government respondents had an average mean of 2.59 regarding the issue of belonging needs influencing the reward valence of employees. In this study, the item regarding the supervisor ought to work hard to develop a friendly working atmosphere among his/her people had a mean of 2.59 interpreted as fair and ranked 1 showing that this was the highest need of the employees. This findings shows that the employees are motivated to work and to perform and give their best when there is a friendly working atmosphere. This finding points to Herzberg (1987) who is credited with two factor model of motives that was adequate in describing the content of work motives.

The objective 4 shown on table 4.5 of the Ministry of Local Governments focused on examining how esteem needs influence reward valence of employees of the ministry of Local governments. These needs include; self-esteem, confidence achievement, respect of others, and respect by others.

The study found out that this objective had an average mean of 2.37 interpreted as fair. The item on individual recognition for the above standard performance mean a lot to an employee had a mean of 2.60 which was interpreted as fair and ranked 1. Thus the employees who participated in this study were fairly rewarded on esteem needs. The employees gave credit to the management of the ministry of local government for meeting their esteem needs fairly. This finding are in agreement with Noltemeyer et al, who have stated that the esteemed needs represent a desire to have a high evaluation of employees from others and from themselves.

Finally, objective 5 shown on table 4.6 of the Ministry of Local Governments was to investigate on how self-actualization needs influence reward valence among employees of the ministry of Local Governments. These are morality, creativity, spontaneity, problem solving, and lack of prejudice and acceptance of facts.

The study found that local government respondents on this objective had an average mean of 2.03 which was interpreted as very unsatisfactory. This finding reveals that the management of the ministry of local government was paying attention to the issues of self-actualization needs of the employees. The item which was ranked highest was almost every job can be made more stimulating and challenging which had a mean of 2.22 and interpreted as very unsatisfactory and ranked 1. This finding showed that the employees of the ministry of local government had a real problem on the self-actualization needs being met. This finding is contrary to the general goals for rewarding employees as stated by Maicibi (2007) when he stated that to motivate the employee rewards are intended to produce incentive to the employee to perform their work with willingness and interest. With willingness the workers develop co-operative action, which is treasured most for realizing the organization goals.

On the Level of Reward Valence of the respondents of the ministry of Local Governments shown on table 4.7 the study found that local government respondents had an average mean of 4.05 interpreted as satisfactory as regards the Level of Reward Valence. The item on many employees' expectations on reward valence should be commensurate with their efforts had a mean of 4.56 which was interpreted as very satisfactory and

ranked 1. This study findings therefore reveal that the level of reward valence of the employees in the ministry of local governments was generally satisfactory and hence they were motivated in the performance of jobs. This finding also showed that the employees of the ministry of local government prefer that their rewards should be commensurate with their efforts.

9. Conclusion

The specific objective 1 shown on table 4.2 of the Ministry of Local Governments was to find out the influence of physiological needs on reward valence of employees of the ministry of local government, which include: breathing, food, water sex, sleep, homeostasis and excretion.

In light of the findings, the study concludes that the employees' performance within the public service is dependent on the items contained in this objective. Kotter (1973) has in the discussion of design tools viewed them as a means of implementing the tacitly accepted psychological impact. This contributes extensively to employees' motivation and performance of tasks. It also has been repeatedly stressed that the effectiveness of design tools as implementations aids depends on their fit with the organization's task and the employees' predispositions and expectations. The average mean of 2.70 which was interpreted as fair makes the study conclude that this physiological needs of Maslow's hierarchy of needs was fairly met by the ministry of local government. The study concludes that management should improve upon it.

This objective 2 on table 4.3 of the Ministry of Local Governments was to assess how safety needs influence the reward valence of employees of the ministry of local governments include: security of body, of employment, of resources of morality, of the family of health and of property.

The study concludes that as this objective 2 had an average mean of 2.67 and interpreted as fair, the employees of the Ministry of Local Governments who took part in the study agreed that their safety needs were fairly met by the management of the Ministry of Local Governments. The study therefore concludes that the employees of the ministry were reasonably rewarded and therefore were motivated and their performance was fair. This findings agree with the main features of the Expectancy theory of (1992) which stated that it takes a comprehensive view of the motivational process and it indicates that individuals will only act when they have a reasonable expectancy that their behavior will lead to the desired outcomes; it stresses the importance of individual perception of reality in the motivational process. However, this is contrary to the level of reward valence which states that organizational systems positively affect the reward valence which had a mean of 3.45 and interpreted as unsatisfactory. The study therefore concludes that the employees may not have been aware of how their organization should meet their safety needs.

In objective 3 on table 4.4 the research dealt with finding out how belonging needs influence reward valence of employees of the ministry of Local Governments, these are friendship, family, and sexual intimacy.

The study concludes that this objective three had an average mean of 2.09 and interpreted as very unsatisfactory showed that the employees of the ministry of local governments respondents did not have their belonging needs influenced by the reward valence and hence this need was very unsatisfactorily met. This is contrary to the level

of reward valence which states that organizational structure positively affects the reward valence and this therefore means that the ministry of local government is not meeting the belonging needs of the employees.

The objective 4 shown in table 4.5 was to examine how esteem needs influence reward valence of employees of the ministry of Local governments. These needs include; self-esteem, confidence achievement, respect of others, and respect by others.

The study concludes that out of the general average mean of 2.37 interpreted as fair. This meant that this particular need was fairly met by the ministry of local government and this is in agreement with Klein (1987), Long (1978) and Morgan (1981) who have stated that all humans have a need to be respected, to have self-esteem and self-respect. Esteem in this sense presents the normal human desire to be accepted and valued by others. Therefore in this study the employees required appreciation of the ministry when tasks have been performed efficiently as this will prevent from acquiring low self-esteem concerning their work.

Finally, objective 5 shown in table 4.6 was to investigate how self-actualization needs influence reward valence among employees of the Ministry of Local Governments. These are morality, creativity, spontaneity, problem solving, and lack of prejudice and acceptance of facts.

The study concludes that this objective with average mean of 2.03 which was interpreted as very satisfactory was not met as required by the respondents of the study. This finding leads to the conclusion that is contrary to Vroom (1990) when he stated that the most important managerial implication emerging for Maslow's work is that most employees experience a variety of needs motivating them to work hard and perform at a given level of effort. It is important for a manager in the ministry of local government to consider employee unique profile of felt needs when experiencing his / her response to the organization.

10. Recommendations

The study recommends that senior administrators in the Ministry of Local Government explore ways and means in which the employees can be motivated so that they would want to give their best on the job. Furthermore, government should create policies that are conducive to the working environment of employees and also identify new approaches to the work ethics, which would then introduce new technologies making the job more exciting and enjoyable. This would improve upon the Maslow's hierarchy of needs which are satisfactorily met by the Ministry of Local Governments.

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Reward Management System and the Cost of Living of Academic Staff in Private Universities in Uganda.

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Abstract. The management of rewards in private universities had overtime been based on bench marking public university practices and yet this did not produce corresponding performance outcomes. Against this background, this study on the *Reward Management System and the cost of living of Academic Staff in Selected Private Universities in Uganda* was undertaken. It purposed to examine the effect of the Reward Management System (RMS) and Cost of Living (COL) on the Performance of academic staff in the selected private universities. This was done by specifically analyzing the relationship between RMS and COL.

This study, carried out in six purposively selected private universities, involved council members, top administrators and academic staff in the universities, officials at the MoESTS and NCHES as well as veteran educationists. A cross sectional survey design was adopted with both qualitative and quantitative approaches. The data was collected using questionnaires, interview guides, observation as well as documents reviewed and analyzed both qualitatively and quantitatively using content analysis together with correlations and regressions respectively.

It was revealed that there was a significant relationship between RMS and COL ($r = 0.241$, $p < 0.001$). Based on the finding, recommendations were made as follows: Management in private Universities should adopt a systems approach to reward management with strategies and policies drawn to ensure equitable distribution of financial and nonfinancial rewards in line with the university goals. The academic staff should take keen interest in acquainting themselves with written reward strategies and policies so as to be able to monitor their implementation. Government, through the National Council for Higher Education, should be more vigilant in ensuring that the written reward strategies and policies are both disseminated to staff and also implemented in line with national set standards. In order to appease the academic staff, universities should have reward policies that are responsive to changes in their Cost of Living. This is because necessities like accommodation, meals, transport and medical expenses are basic needs for academic staff, they should be catered

for by the private universities. This will in a way subsidize and mitigate the effects of the high cost of living on the academic staff.

1. Background to the Study

This study aimed at determining the relationship between the reward management system and the cost of living of academic staff in selected private Universities in Uganda. The analysis was against the backdrop of the fact that private universities had reward management practices whose cardinal aim is to promote performance of academic staff which ultimately would lead to the institutions' sustainability. However, there were leading indicators that showed that staff performance was not as good as expected. This implied that there was a gap between what was and what it should have been the appropriate levels of the reward management system.

Universities have sets of aims, objectives and goals to achieve within a set timeframe. Employee dissatisfaction translates into shoddy performance as well as a lackluster achievement of university objectives. Yet, for purposes of organizational growth, all activities, policies, procedures and practices which are carried out within and outside them should be aimed at supporting the achievement of organizational strategy and, ultimately, objectives (Agwu, 2013). Universities being service organizations, their human resources play a critical central role in this process. Their socio-economic needs ought to be adequately taken care of if they are to discharge their assigned roles satisfactorily.

This research was an attempt to contribute to the various national endeavors in that regard. Basic economics and rational thinking calls for factors of production to be rewarded for being employed; rent for land; interest for capital; profit for the entrepreneur; and wages for labor (Gupta, 1990). World over, employee reward constitutes one of the central pillars that support the employment relationships within organizations. Because remuneration in many settings has become the centre piece of the employment relationship, the manner in which it is managed is likely to influence work outcomes within organizations (Lewis, 2001; Kessler, 2005).

Work in employment is done in return for a pay (Milkovich and Newman, 2004). The determination of pay for a specified amount of work may, in some cases, involve negotiations. In such a case, it depends on the level of expertise and need of the organization, in which case reward may be perceived as an effort bargain between the employee and employer (Rubery and Grimshaw, 2003). This means that the reward system should be flexible enough to allow for negotiation between the two parties. This makes the workers value the reward.

It is on the basis of the above expose that policies are made in organizations to guide the level and distribution of rewards which, in turn, impact considerably on the productivity of the organization's workforce as well as its overall performance.

2. Theoretical Perspective

This study was guided by the expectancy theory of motivation as proposed by Victor Vroom of Yale School of Management (Vroom,1964). Vroom defined motivation as a process governing choices that are made by the individual. The individual is motivated by the expected results of a given behavior (Guest, 1986).The motivation then results from the individual's expectancy that certain effort will lead to an intended performance, which will,

in turn, lead to the desired reward. This rationale is presented in Figure 1 below and illustrates the basic model of the causal relationships.

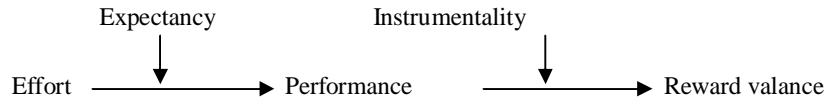


Figure 1: Victor Vroom's Expectancy Theory Model

Source: Cook, 1980

Vroom's Expectancy Theory provides that there is a positive correlation between employee efforts and performance. The theory advances a belief that people will be motivated if they believe that strong effort will lead to good performance and good performance will lead to desired rewards (Vroom, 1993). It explains why individuals decide to act in a certain way. The theory explains the cognitive processes through which an individual goes to make a choice and consequently ends up behaving in that direction. The theory assumes that work behavior is determined by individual expectations (Shield, 2007) and is supported by the assumptions that: people join organizations with expectations about their needs, experiences and motivations which influence them. Secondly, individual's behavior is as a result of conscious choice, and, depending on their expectations, people choose the way they will behave. Thirdly, people want a number of things from the organization. Lastly, people will choose the outcome that optimizes their individual gain (Ozgur, 2008). This explains why reward management systems in Universities should incorporate practices and procedures that will elicit behavior that will in turn lead to acceptable performance in private Universities in Uganda.

In practice however, private universities in Uganda contradict Vroom. They use the classical theory of management which emphasizes the structure, in which case the people are managed depending on what is good for the organization as prescribed by Henri Foyal (Marshall, 1999). Managers of the institutions forecast, plan, organize, command, coordinate and control. In this case, roles are prescribed, rewards are set in scales whose increments are based on education, seniority and longevity in service (Odden and Kelley, 2002). Even bureaucracy sets in, when changing these scales, requires permission from higher authority (Johnson, 2005). This practice in private universities persists despite the fact that even the classical theories have over time, been synthesized and upgraded to a systems approach which focuses on complexity and concentrates on interrelationships between the structure and human behavior, after examining patterns and events at the work place (Pid, 2004), in support of Vroom, hence the need of the understanding of the effect of the reward management system on performance in universities. Rewards must therefore be determined based on systems thinking (Pid, 2004; Katz & Kahn, 1978), taking into consideration Vroom's aspects of motivation.

3. Presentation of findings

Perception of the concept of Reward Management System

Table 2: Lecturer's monthly net pay range in the selected Universities

University	Net monthly Pay Range (UGX)
A	800,000 – 1,300,000
B	750,000 – 1,700,000
C	600,000 – 1,500,000
D	800,000 – 1,200,000
E	800,000 – 1,300,000
F	900,000

Source: Primary Data, 2015.

This information was corroborated by staff submissions from focus group discussions as well as Human Resource Policy documents (UCU, 2011; Ndejje, 2011; Nkumba, 2013; UMU, 2013; Bugema, 2013). These confirmed that permanent and contract category of academic staff receive a monthly salary. While the majority of lecturers with the similar qualifications and length of service in universities A, B, and D earned one million shillings, those in university C exhibited great disparity in pay. Further probe revealed that in several cases, monthly remuneration was personal to holder in C.

Table 3: Responses on Financial Rewards Offered to the Academic Staff in the selected Private Universities in Uganda

S/N	Statement	SD	D	NS	A	SA
		N (%)	N (%)	N (%)	N (%)	N (%)
1	The University offers me a basic salary	29(13.9)	8(3.8)	23(11)	102(48.8)	47(22.5)
2	The University provides me with other rewards	74(35.4)	45(21.5)	22(10.5)	53(25.4)	15(7.2)
3	Rewards provided to me are only monetary	49(23.4)	30(14.4)	27(13.0)	77(36.8)	26(12.4)
4	I am satisfied with the financial rewards	70(33.5)	70(33.5)	18(8.6)	37(17.7)	14(6.7)
	Average	56(28.8)	38(18.2)	22(10.5)	67(32.1)	26(12.4)
	Cluster	94(45.0)		22(10.5)	93(44.5)	

Source: Primary Data, 2015.

Table 3 further reveals that 25.4 percent and 7.2 percent agreed and strongly agreed, totaling 32.6 percent of the staff who acknowledged receiving other rewards, while 56.9 percent disagreed; 35.4 percent strongly and 21.5 percent just disagreeing. Ten point five percent of the respondents were not sure whether or not they do receive other rewards, implying that they were not probably aware of their institution's reward policy. The above perceptions were later confirmed in the group discussions that ensued. Similarly, 67 percent (33.5 percent agreeing and the same percentage strongly agreeing) of the staff submitted that they were not satisfied with the financial rewards, 24.4 percent were satisfied, while 8.6 percent

were not sure about the level of their satisfaction. Forty nine point two percent of the staff said that they receive only rewards monetary.

This skewed level of satisfaction connotes a big degree of inadequacies in the reward management system which could provide a ripe recipe for strife, staff withdrawal or other form of protests. It explains why three of the selected universities, B, C, and E were reported to have had stormy discussions with management over salary increment and academic staff nearly laid down their tools. This is particularly so given that 71.3 percent of the staff earn a basic salary, 49.2 receive only monetary rewards and 67 percent are dissatisfied, especially with the financial rewards that they receive. Unfortunately, these inadequacies are not offset by, say, the provision of adequate non-financial rewards that would cushion, if not, ameliorate staff dissatisfaction.

The above results were found to be in consonance with submissions by some of the top administrators. Some private Universities provide only a consolidated monthly salary to their full time staff. The administrators stated that part-time academic staff are paid at an hourly rate, which amount when computed, is payable at the end of the course unit or at the expiry of the subject matter for which they have been contracted to work. Depending on the university in question, the entire sum total or amount that had been agreed upon is divided into monthly installments and paid accordingly by one of the selected universities. These strategies may be convenient to the University but quite unappealing and dissatisfactory to the contract staff.

The results were further confirmed by a number of the academic staff focus groups in their discussions on the nature of the rewards that they earn from their respective Universities. The discussants mentioned monthly salaries, which they kept referring to as 'meagre'; while others said the timing for the salaries was 'not regular or predictable', even if some of the universities had statements specifying dates such as 'monthly salary shall be paid every 28th day of the month'. This is despite Armstrong's (2006) submission regarding the importance and effect of timing of rewards.

According to the staff, other financial rewards that were offered to them included marking allowances, extra load allowances, weekend allowances, allowances for research supervision, responsibility allowances, fieldwork allowances and communication allowances for those with extra responsibilities.

Table 4 presents the frequency and percentage of responses in respect of other financial provisions that are offered to the academic staff by the selected private Universities.

Table 4: Other Financial Provisions by the Private Universities

S/N	Provision	YES		NO	
		Frequency	%	Frequency	%
1	Housing Allowances	131	62.7	78	37.3
2	Transport Allowances	134	64.1	75	35.9
3	Fuel Reimbursement	174	83.3	35	16.7
4	Medical Fund	181	86.6	28	13.4
5	Salary Advance Or Credit Program	107	51.2	102	48.8
	Average	145	69.6	64	30.4

Source: Primary Data, 2015.

On average, 69.6 percent of the respondents concurred that their universities provide them with other amenities in the form of housing allowance (62.7 percent), transport allowance whenever they report to work (64.1 percent), fuel reimbursement if they are going off station on duty (83.3 percent) and have created a medical fund (86.6 percent) to take care of their medication. Another 51.2 percent of the staff indicated that their universities have arrangements for a specified percentage of salary advance that can be given or other credit programs that are aimed at easing situations of staff short-term financial distress. The officials from the MoES and NCHE who were interviewed, also listed salary and allowances for teaching and research as some of the financial rewards that could be put in place for the benefit of the academic staff. From the table however, staff medication (at 86.6 percent) and transport (fuel reimbursement at 83.3 percent, and transport allowance at 64.1 percent) top the above provision list.

Actual amounts of money paid by the selected universities were sought and Table 5 shows what was available.

Table 5: Some of the Actual Allowances paid to academic staff

Reward	University					
	A	B	C	D	E	F
Housing Allowance per month	-	300,000	-	-	320,000	-
Transport Allowance	10,000	10,000				15,000
Marking allowance per Script	1000	500	500		500	4500
Salary Advance		25% base pay			50% base pay	
Other Credit Program		Recommend to banks			Recommend to banks	

From the above amounts of money paid per item, it is worth noting that other than spikes such as the marking allowance for university E, the rest of the universities are within the same range. University C however stands out as one with the least number of allowances offered to academic staff.

The above results suggest that the various administrations tend to put more emphasis on staff health, as much as they do to make sure that the staff report to work. This analogy and inference compares, contrasts with and is reinforced by the lowest-end-of-scale percentage (51.2) which is associated with the staff's desire to resolve their financial quagmires through access to temporary credit arrangements. It is confirmed even the more by the submission that almost an equal percentage (48.8) of the staff say that their universities do not provide salary advance nor have in place any other credit program to address these needs. The academic staff, therefore, are forced to rely on their universities' remuneration packages, including other provisions listed above, for coping with their financial needs, irrespective of whether or not these packages are satisfactory.

The above revelations show that much as the universities offer salary and a number of other financial rewards to their academic staff, majority of them are dissatisfied with the amounts and timing of the payments. This lowers what would have been a high level rating to an average level of financial rewards provided by the selected private universities.

Given that insufficient financial rewards affect the quantity and quality of goods and services one is able to purchase, it would mean that the academic staff would have to surrender to a low standard of living.

Reward Strategy

Reward strategies are statements that direct the development and operation of practices, processes and procedures related to reward. They derive their direction from the business strategy and Human Resource strategy. They define what an organization is rewarding; for example, the long service award rewards loyalty of the employee to the organization. In the context of universities, a research or publication award directs efforts towards and rewards research activities.

Most of the rewards which are common to almost all the selected universities, both financial and non financial are aimed at rewarding academic staff for teaching and evaluating students.

The academic staff were asked to respond to specific statements relating to their universities' reward strategy. Table 6 gives a summary of their responses still based on the likert-scale continuum that ranged from "Strongly Disagree (SD)" to "Strongly Agree (SA)".

Table 6: Academic Staff Responses on Reward Strategy

S/N	Statement	SD	D	NS	A	SA
		N (%)	N (%)	N (%)	N (%)	N (%)
1	I am familiar with the university mission statement	11(5.3)	11(5.3)	25(12.0)	102(48.8)	60(28.7)
2	I know the university strategy for success of work	29(13.9)	29(13.9)	51(24.4)	81(38.8)	19(9.1)
3	The pay I receive communicates the value I bring to the university	44(21.1)	48(23.0)	51(24.4)	60(28.7)	6(2.9)
4	I am conversant with the university's current strategic plan	45(21.5)	50(23.9)	46(22.0)	57(27.3)	11(5.3)
	Average	32.3(15.5)	34.5(16.5)	43.2(20.6)	75(35.9)	24(11.5)
	Cluster		66.8(32.0)	43.2(20.6)	99(47.4)	

Source: Primary Data, 2015.

The results in the table show that 77.5 percent of the academic staff were familiar with their Universities' mission statements. This is against 10.5 percent of the staff who were not familiar and 12 percent who were not sure. Upon a closer observation, it was realized that all the private universities had their Charter certificates, Vision and Mission statements prominently displayed in offices and other common places. This silent awareness campaign probably accounts for the high number of affirmative responses. This notwithstanding, only 47.8 percent of the staff could decode their university's strategy for success and growth. Conversely, 27.8 percent of the staff were not conversant with the strategy that the university would follow in order for it to succeed and grow.

Only two of the Universities representing 33% have their reward strategies stated in their Human Resource Manuals and according to their reward structure appear to be following

their strategies to reward their employees. The rest of the universities appear to be just bench marking other university's rewarding system.

Discussions with staff confirmed that in most universities, the staff are not aware of any reward strategies that are followed by their university administrators. According to them, '*it is business as usual*', meaning that once rewards are set by management, such rewards are given every year. Even when new business plans are drawn, academic staff remain earning the same type of rewards and what changes slightly from time to time are the amounts. No wonder, 44 percent of the staff feel that they or their services are not valued by the organization just because the university strategies are, on one hand, little known.

According to Rewards Consulting (2015), reward strategies carry strong messages to employees, which signals in turn direct employee behavior. Asked if the pay they receive communicates the value they bring to the University, 44 percent of the staff disagreed, 24.4 percent were not sure and only 31.6 percent agreed to the statement.

The results reflected in table 5.9 further indicate that 45.5 percent of the academic staff were not conversant with the current strategic plan of the university in which they work. Only 32.5 percent claimed that they were conversant, while 22.0 percent were not sure. Big as 32.5 percent might appear, none of the discussion groups in the various Universities could clearly talk about the reward strategy used by the Universities in which they work. This brings into the fore a stratified dichotomy amongst the university staff in as far as knowledge-levels regarding the instruments that govern them are concerned. In this regard, there seems to be need for a balanced equilibrium between confidentiality and the need-to-know for the sake of staff awareness of what affects them directly.

Analysis of the human resource manuals and other policy documents, a clearly documented policy was found to the effect that Universities pay their staff based on qualifications. The challenge however seemed to be the fact that some of the Universities do not follow what is written in these manuals or policy documents. In the course of further interactions with the Directors of Human Resources functions, one of them is quoted to have said that, '*Strategic plans and other written policy documents are there just in case NCHE officials show up, otherwise the practice is different*'.

The other five universities however have all their human resource manuals easily accessed. This suggests that if the contents of these plans, policies and strategies were disseminated and generally made known to the staff, it is probable that such window-dressing actions by the university administrators would promptly be resolved by the staff as and when inadequacies in policy actions are observed. NCHE would then cease to be a mere scarecrow. It would become a seriously engaging on-sight supervising authority that would work to instill and enforce discipline within this educational sub-sector. Staff performance indicators would probably not only be realistic but could also be higher than the prevailing levels.

It also implies that in most private universities, there are no clearly set and written reward strategies. Majority of the rewards given are bench marked from existing public universities. Even where the reward strategies are documented, there are low levels of implementation.

Reward Policy

This term refers to a document that spells out the rules related to rewards. It outlines the flexibility, discretion and limits within which rewards are given out. Reward policies in the selected universities are written in the Human Resource Manuals. Reward policies take care of issues of consistency, fairness and transparency. All the selected universities had Human Resource manuals detailing their reward policies.

Table 7 below presents what the academic staff said about reward policies in the selected universities.

Table 7: Reward Policies in the Selected Private Universities

S/N	Statement	SD	D	NS	A	SA
		N (%)	N (%)	N (%)	N (%)	N (%)
1	I compare my rewards with other colleagues in the same job	52(24.9)	36(17.2)	39(18.7)	75(36.0)	7(3.3)
2	My pay is fair in relation to market rates	67(3.1)	62(29.7)	34(16.3)	42(20.1)	4(1.9)
3	My pay is fair in relation to my co-workers	37(17.7)	49(23.4)	70(33.5)	45(21.5)	8(3.8)
4	I know the criteria used for promotions	21(10.0)	52(24.9)	73(34.9)	59(28.2)	4(1.9)
	Average	44.2(21.2)	49.8(23.8)	54(25.8)	55.2(26.4)	5.8(2.8)
	Cluster		94(45)	54(25.8)	61(29.2)	

Source: Primary Data, 2015.

The table shows that 39.2 percent of the academic staff who compare the rewards that they get from their employment with those received by other colleagues in the same job bracket. These comparisons may be with internal or external colleagues or both. It is because of this comparison tendency that 61.7 percent of the staff came to realize that their pay did not fair favourably in relation to the market rates. In this case, only 25.4 percent of the staff agreed that their pay was compared to other colleagues in the same job-bracket. This is in consonance with the equity theory (Adam, 1965) which explains the perception of justice in distribution of resources among employees based on the level of inputs to outputs.

About awareness of the criteria used by the University to effect staff promotions, the results indicate that 34.9 percent of the academic staff had no knowledge about the criteria used. A similar percentage was not sure about the existence of such criteria, while just only 30.2 percent were fully aware. What was surprising though was the fact that all these universities had their criteria for promotion clearly stipulated in their manuals. Some top administrators however commented that academic staff do not bother to read the policy documents and therefore largely remain ignorant. According to her, *'they just come, conduct their lectures and rush away'*. Another administrator submitted that these policy documents were made for *'cosmetic reasons, mostly to show compliance in case NCHE asks for them. What is done sometimes does not rhyme with what is in the policy documents.'* This clearly confirms that there are a number of inconsistencies in the implementation of policies.

The adequacy and fairness of the rewards that the respective academic staff get from their universities was not contested. Academic staff said the rewards were inadequate and in some universities unfairly given out. The top administrators concurred with the staff that whereas the rewards were not that adequate, that is what the universities could afford. Some even complained that running a university is a very expensive affair; so they were always

careful with payments in order to avoid institutional collapse. About fairness, many respondents defended their systems for distributing rewards fairly across the spectrum of their academic staff, depending on qualifications, experience or seniority and work load, among other considerations. In some universities however even top administration conceded that payments were not fairly distributed across the employment cadres. Academic staff claimed that in some instances it depended on who one is related to, who recruited them into the organization or how long one had served.

At national level, the Ministry of Education uses the Universities and Other Tertiary Institutions' Act (UOTIA, 2001) as its policy document. It works through the NCHE which has drawn a number of statutes. In the course of drawing their Charter, the selected Universities were required to state how they would look after staff. In fact, the NCHE clearly prescribes acceptable percentage limits of a University's budget that should be spent on staff salaries. These are outlined in Table 11 below.

Table 8: The Proportion of a University's Budget to be spent on Staff Rewards

Percentage	Rating
Below 40	Unacceptable
50.0	Ideal
60.0	Good
65.0	Acceptable
70.0	Can Be Improved
Above 75	Unacceptable

Source: NCHE, 2012.

These percentages are some of the elements that the NCHE officials look out for during their monitoring exercises. The NCHE Officials however submitted that they also respond to complaints made by stakeholders. This implies that if staff complain about a discrepancy between the pay policies and practices in universities, NCHE is obliged to respond, come in and investigate the complaint with a view to appropriately rectifying the anomaly. With a general lack of knowledge on reward policy issues, staff may have no justified grounds to mount such complaints. The administrators then get a leeway to act outside the precincts of prescribed norms and policies.

From the foregoing, one can justifiably state that although selected universities have written policies on reward management, both academic and administrative staff concur that their implementation is deserves improvement. Similarly, monitoring of policy implementation by the NCHE is also limited.

Cost of living in Kampala

Cost of living refers to the average cost of basic necessities of life to maintain an accepted standard. Simply put, it refers to the average expenditure of a person or family in a given period.

Every house hold must balance its monthly expenditure on two major welfare indicators namely: food and non food items. Some non food items are indispensable so everyone must squeeze their budgets to ensure they are purchased.

Frequently consumed foods deemed nutritionally adequate that form a food basket in Uganda include; bread, milk, sugar, tea/coffee, maize floor, cassava and millet flour, rice,

beans, groundnuts, potatoes, bananas, meat, fish, eggs, onions, tomatoes, cooking oil, fruits, iodized salt and drinks. Non food basic items include medical care, clothing, foot wear, education, house rent (accommodation) water , fuel (paraffin, firewood charcoal), transport fare, communication (airtime, public phone), security, toiletries (soap, toothpaste, Vaseline), house up keep (brooms, duster) and house equipment (Shanley, 2013).

Since the selected Universities were all in the central region, the item costs were based on prices in Kampala area.

For a family of four (man, wife and 2 children) the expenditure can be as follows:

Table 9: Household expenditure on basic items for a small family in Kampala

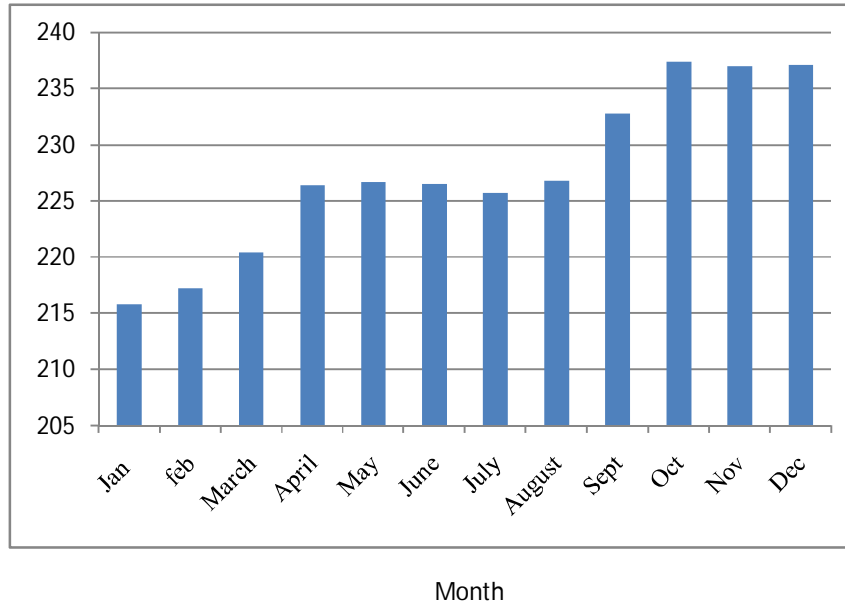
Items	Rate (UG. Shillings)	Total (UG. Shillings)
Meals	Ug Shs 20,000 per day	600,000
Accommodation 2 bed roomed house	500,000 per month	500,000
Utilities (water electricity)	100,000 per month	100,000
Transport	15,000 per day	450,000
Medical Care		200,000
Education Children	500,000 per child per term	250,000
Academic staff		300,000
Total		2,300,000/-

Source: Primary Data, 2015.

Considering the net pay given to lecturers as shown in table 16 above, it is questionable as to how academic staff meet their monthly bills.

Relating the RMS and cost of living

Given that the minimum expenditure for a small family of an academic staff with a small family is about two million five hundred thousand and yet lecturers in the selected universities are paid ranging between six hundred thousand and one million seven hundred thousand shillings, it means that none of them pays a living wage. This is despite the high consumer price index as seen in the figure 10 below and ultimately the continuously souring inflation to the tune of 5.2 .



Source: *Bank of Uganda, 2015.*

Figure 10: Consumer Price index for the Year 2014

A high inflation rate means that the public has to find more money to meet their daily livelihood.

Discussions held with academic staff revealed that they all concurred that cost of living is high and increasing. They also agreed that there is a strong relationship between reward management system of the university and the prevailing cost of living. It was found out that much as the RMS should be designed to cater for changes in the cost of living, many private universities keep their reward-offers fixed year in year out. Probed further, a number of staff declared that even those members of staff in some private universities who agitate for reward adjustments to cater for changes in cost of living, usually get reprimanded. This too was confirmed by the Top Administrators. Yet, when asked to comment about the relationship between cost of living and RMS, the Top Administrators in the selected universities, NCHE and MOES officials, as well as the veteran educationists who were interviewed, concurred that the rising level of inflation, which causes a rise in the cost of living, should ideally result into pay increases. The top administrators however often hastened to add the statement “*Funds permitting*”; an adage which was explained in various ways but nonetheless has an implication on the RMS reviews.

Some respondents said that increment in staff remuneration depended on other factors such as its affordability. This was said to be based on the number of students that the University attracts.

Testing of the hypothesis

The first hypothesis of the study (H_{10}) stated that: Reward management systems are not significantly related to the cost of living of academic staff in the selected private Universities in Uganda.

In order to prove or disprove and thereby discharge this hypothesis, it was necessary to do inferential statistical analysis. Correlations and regressions were done to establish the relationship, if any, and the strength thereof between the two variables. The results of the correlation analysis are presented in Table 17 below.

Table 11: Results of the Correlations for Reward management system and cost of living

	1	2	3	4	5	6	7	8	9
1. Financial Rewards	1								
2. Non-Financial Rewards	.395**	1							
3. Reward strategy and Policy	.439**	.615**	1						
4. Accommodation	.062	.190**	.152*	1					
5. Meals	.106	.073	.256**	.364**	1				
6. Transport	.170*	.236**	.151*	.467**	.402**	1			
7. Medical Expenses	.067	.156*	.136*	-.084	.189**	.256**	1		
8. Overall Reward Mng't System	.589**	.708**	.979**	.161*	.238**	.186**	.144*	1	
9. Overall Cost of Living	.123	.220**	.232**	.893**	.681**	.706**	.144*	.241**	1

** . Correlation is significant at the 0.01 level (2-tailed); * . Correlation is significant at the 0.05 level (2-tailed).

Source: Primary Data, 2015.

The variables used in the above table for reward management systems are financial rewards, non financial rewards, and reward strategy and policy. The variables for the cost of living are accommodation, meals, transport and medical expenses.

Results in Table 11 above indicate that, the overall Reward Management System is significantly related with overall Cost of Living ($r = 0.241, p < 0.01$). This statistic implies that when the cost of living changes in whatever direction, it is bond to affect staff in one way or another. It then requires that the RMS should also be reviewed in tandem with COL to ameliorate its effect on staff. Two components of Reward Management System namely; non financial rewards ($r = 0.220, p < 0.01$) and reward strategy and policy ($r = 0.232, p < 0.01$) are significantly related with overall Cost Of Living. However, one component of Reward Management System, that is, financial rewards ($r = 0.123, p > 0.05$) is not significantly related with overall Cost Of Living. This suggests that if nonfinancial rewards and reward strategy and policy are adequately addressed, then the academic staff will easily cope with changes in the cost of living.

Looking further at the results, all the components of Cost Of Living, namely; Accommodation ($r = 0.161, p < 0.05$), Meals ($r = 0.238, p < 0.01$), Transport ($r = 0.186, p < 0.01$) and Medical expenses ($r = 0.144, p < 0.05$) are significantly related with the overall Reward Management System. This implies that if RMS and COL are broken down into their

respective components, it is only nonfinancial rewards and reward strategy and policy that are significantly related to all the components of cost of living (Accommodation and non financial rewards $r = 0.190$, $p < 0.01$; Accommodation and reward strategy and policy at $r = 0.152$, $p < 0.05$; Meals and reward strategy and policy at $r = 0.256$, $p < 0.01$; transport and non financial rewards at $r = 0.236$, $p < 0.01$; transport and reward strategy and policy $r = 0.151$, $p < 0.05$; medical expenses and non financial rewards at $r = 0.156$, $p < 0.05$; medical expenses and reward policy and strategy at $r = 0.136$, $p < 0.05$). It further implies that, if universities are to address issues relating to cost of living, then more effort should be focused on non financial rewards jointly with reward strategy and policy because these would touch and impact on all the aspects of COL.

In order to ascertain the extent of this impact, simple linear regression analysis was used to show the effect of the independent variable, RMS, on the dependent variable, COL. The components of the independent variable were financial rewards, non financial rewards and reward strategy and policy. The purpose of this analysis was to identify which of the components of the independent variable has the biggest influence on the cost of living. The regression results are presented in Table 12.

Table 12: Regression Results of Reward Management System and Cost of Living

Model	Un-standardized Coefficients		Standardized Coefficients	t	Sig.	Adjusted R Square
	B	Std. Error	Beta			
(Constant)	60.169	2.625		22.922	.000	
l. tot_ Overall_ RMS	.146	.041	.241	3.577	.000	0.054

a. Dependent Variable: tot_overallCOL

Source: Primary Data, 2015.

The regression results from Table 18 indicate that Reward Management System significantly predicts Cost Of Living. All combined, the variations of Reward Management System components predict 5.4 percent of variations in cost of living. This means that a 5.4 percent change in the COL is attributed to a change in RMS. The 94.6 percent is explained by other factors other than Reward Management System.

Discussion of Findings

The major reason for the research effort was to test the hypothesis (H_{10}) that: Reward Management Systems are not significantly related to the Cost of Living of academic staff in private Universities in Uganda.

Private Universities mainly provide financial rewards to academic staff. These include fixed pay in form of salary for full time staff and hourly pay for the temporary and part time staff. The variable pay given to academic staff includes allowances for marking, extra teaching load, weekend, research supervision, responsibility, field work, housing and

communication. Four of the Universities do not have any arrangements for pension other than the mandatory National Social Security Fund. Some Universities provide for short term salary advances and others provide partial tuition refunds to staff who provide evidence of completion of higher degrees.

There are however discrepancies among academic staff even of the same rank and academic discipline in some of the selected universities regarding salary amounts. The majority of academic staff are not satisfied with the financial rewards given to them by the universities and as findings indicate, this pay is far below their cost of living.

Non financial rewards given as cited by the staff include; houses, staff van, lunch, tea, entertainment and medical care in form of either Insurance cover or established clinics. Others include recognition in form of certificates, letters of appreciation, plaques or public praise. Promotions are also made in some private Universities. The challenge however is that only few of these universities give non financial rewards. Much as these rewards appear varied, respondents revealed that only a few staff get the non financial rewards, leaving the majority to depend on only monthly salary. Even if financial rewards are considered fundamental because they enable employees meet their living costs, knowing the importance of non financial rewards as emphasized by Hertzberg, it is unfortunate that the private universities take the risk of not providing a mix of both financial and non financial rewards.

Many of academic staff are not familiar with the reward strategies followed by their Universities. Even some top administrators agree that there are no set reward strategies. This in essence means that the private universities may have other agenda different from the academic excellence that they claim to aim at. This is because ideally, the reward strategies define the organizations' actions that are to be taken in order to help in the development of reward policies, procedures and practices to enhance execution of organizational goals. Absence of reward strategies means the direction is not clear. In some universities, reward policies are written but are neither read by majority of staff nor followed by some of the managers of the private Universities. This is not surprising given that the practice is different from what is written. Once managers do not practice what is written, then the staff will lose confidence and just work to earn the little that there is without serious commitment to the organization.

A low level of RMS means a lot to the academic staff in private universities. It translates into less time being devoted to work by the staff since financial and nonfinancial rewards are not enough, yet they must exhibit a certain standard of living despite the high cost of living which keeps increasing. Financial and non financial rewards aim at enabling accomplishment of set strategies so if they are low then it means they are not conducive enough to motivate that achievement. Lack of reward strategies and dependence on benchmarked market rates denies the universities their uniqueness and also shows that its unlikely that the rewards are aligned to their overall strategic plan. This means that the rewards given by these private universities do not necessarily make employees work so as to make their organizations have a competitive advantage but rather are considered as routine payments.

Since reward policies set the pay stance and are the declaration of intent to practice the reward philosophy, a finding that they are not followed injures all the five RMS aspects that should be taken care of viz; the value of the rewards, timing of the rewards, the amount of the rewards, the likelihood that the rewards will be given and the fairness of the rewards.

Rather than creating their own reward management systems however, which spell out their uniqueness, managers of private universities bench mark public universities when it comes to giving out rewards, yet, these institution's academic staff are not satisfied either, considering the rhythmic manner in which they strike (Nganga, 2014; Nasimiyu, 2010). This is despite the flowerly strategic plans that are conveniently tacked away at their shelves.

The results are consistent with what other researchers have found out regarding the subject. Bayissa (2011), while researching on academic staff rewards, also revealed a low level of the rewards given by universities. He cautioned Universities against low levels of rewards and poor reward management systems. This was after spelling out the consequences of low level of rewards. Turinawe (2011) also, from his findings revealed that a good RMS results in employee satisfaction. These two researchers encourage managers to ensure a good RMS which would ultimately lead to job satisfaction and hence good performance from the staff. Real success of organizations originates from employee behavior exhibiting enough creativity to direct growth and development. This, according to Ojumudo (2004), is a function of a favorable RMS.

The academic staff hardly confessed that their financial rewards are good, nor do the administrators confirm that they offer enough non financial rewards to ease the expenditure of the academic staff. This is despite the finding by Noraani (2003) that there is a positive correlation between financial rewards and job satisfaction. This finding is very important to the managers of private universities because it guides them on what to do if they believe that a satisfied worker is more productive, which according to this study does not seem to be the case. Little wonder then that in the selected private universities, the staff are not satisfied by the rewards given to them.

Reward strategies are not stated in almost all the universities and although the policies are written, in practice they are hardly followed. This is serious anomaly that is synonymous to some form of performance corruption since, according to Armstrong (2006), the reward strategy shows the direction of innovations and development. Ignoring implementation of institutional reward strategies therefore means that academic staff who contribute to the realization of the university's mission are not appropriately recognized. For instance, the promotional criteria set emphasize research, but the financial rewards given out to staff majorly facilitate teaching. On the contrally, elsewhere, academic staff are encouraged to spend less time teaching. In their research, Melguzi and Strobe, (2007) reported that the policies governing their university advocated that academic staff devote more time (53 percent) on research and 47 percent of their time on teaching. Teaching undergraduates only was reported to attract a negative effect on pay. Other researchers who found low levels of RMS include Rubangisa (2011), Sahal and Abukar (2011), Wabuna (2008), Yazici (2008) and Musenze (2013).

On testing the hypothesis it was confirmed that the reward management system is significantly related to the cost of living. It is further seen that the variations in the components of the RMS predict COL by only 5 percent. While only two of the components of the RMS, namely, nonfinancial rewards and reward strategy and policy are significantly related to overall COL, all the components of COL namely accommodation, meals, transport and medical expenses are significantly related to overall RMS. Financial rewards are not significantly related to overall COL possibly because all private universities were

reported to offer these rewards to all academic staff. It also confirms that money is not the only motivator for the workforce.

The majority of respondents during discussions agreed there was a relationship between COL and RMS and suggested that RMS should be designed to take care of changes in the COL.

These findings indicating that the relationship between RMS and COL is significant, call for particular attention to be accorded to the two significant elements of RMS when considering staff's COL issues. This requires that as reward strategies and policies are being designed by the universities, expected changes in COL should be factored in the policy. This is principally because inclusion of COL components into the reward package of the university is dependent on its policy framework. Non financial rewards such as provision of training opportunities to develop skills for personal growth would be very important motivators as they would give academic staff mileage towards their career growth. Similarly, given that education has heavy financial implications, its provision by the university would alleviate the academic staff of such expense which in turn would be diverted to defray the staff's COL obligations. In a way, such actions by the university indirectly increase the staff's disposable income, thereby enabling them to sustain their propensity to consume despite the high COL levels.

The finding that all components of cost of living are positively related to overall RMS and yet only two components of RMS are significantly related to overall COL indicates that the direction of predictability or influence is different from what had been hypothesized in this research's conceptual model. The results show that the components of COL predict RMS more than do the components of RMS predict COL. This is not surprising because, ideally, RMS should be designed to take care of changes in COL. The fact that non financial rewards and reward strategy and policy are the biggest predictors of COL means that universities should ensure that these two variables are in place and that their policies are adequately designed and implemented in line with the reward philosophy.

The above findings are in line with other researchers including Gosh (1991), who talks about pressures associated with inflation and their effect on the work force. He says that if employers do not design policies which respond to inflation, employees have no alternative but to reduce on the time given to their employers as they try to find alternative ways and means of survival. In the context of this study, the academic staff resort to moonlighting or engaging in other businesses that are not entirely related to academic work.

Dwivendi (1983) submits that there is an inverse relationship between price and supply, that suppliers of goods and services will increase their supplies where prices are high, and vice versa. This is synonymous with Brewer and O'Dea's (2012) findings which revealed an inverse relationship between price and quantity demanded. The two scenerios mean that the staff and the university are caught up in a demand and supply situation that requires an equilibrium price. Once the RMS is insensitive to changes in COL, then employees' standards of living fall on account of the low price that they are getting for their labour, unless there are other mitigations to boost their income. Falling standards would definitely be resisted by the academic staff, given Maslow's hierarchy of needs where people expect to move upwards and not in the reverse gear. It also means that universities have to contemplate choosing between losing some labour-force; underperformance or otherwise positively revise their RMS in order to induce and retain the workforce through provision of ingredients that enhance quality life. It would therefore call for assistance plans as reported by Worldatwork (2008).

The findings are further strengthened by Apeyusi (2012) who found a positive relationship between reward systems and standard of living, meaning that if reward systems are relatively low, then the standards of living of the staff are equally low.

Nelson (2010) however challenged the minds of the above researchers when his findings brought about the issue of whether these cost of living salary adjustments would just be automatic, or they would have to be tagged to meritocracy. This challenge must have resulted from the findings of Erasmus University Rotterdam (2010) where it was revealed that even after COLA was made to the tune of 13.5 percent, the performance of the academic staff still remained wanting. This is probably because the adjustment in rewards to cater for changes in the cost of living was applied uniformly across the board without taking into consideration the individual staff performance levels. This calls for reward policies which tag such adjustments in the cost of living to the performance levels of individual academic staff if they are to bear any effect on performance.

Based on the above findings, the most plausible verdict is to reject the null hypothesis (H_{10}) that *Reward management systems are not significantly related to the Cost of Living of academic staff in private Universities in Uganda* and assert that there is a significant relationship between RMS and COL.

Conclusion

The relationship between RMS and COL exists and is significant and this means that when the RMS is high, the employees' state of welfare will be good given that the anticipated changes in cost of living will ever be catered for by the established reward strategies and policies. However, the low predictive power of 5 percent between RMS and COL means that though the cause and effect relationship exists it is not particularly very clear. Several other factors predict the relationship to the tune of 95 percent. These factors are yet to be established.

This notwithstanding, the identified relationship begs for consideration of COL whenever RMS are being formulated, reviewed or implemented. This submission is based on the backdrop of the fact that any university administration of whatever caliber has no direct control over the level of COL; an external environmental factor. Rather, it does possess all vested power and authority to influence the nature, quality and extent of the intended effects of its RMS on its employees. This is part and parcel of proactive as opposed to crisis management.

Recommendations

Several causes of action may help the attainment of a win-win equilibrium state between and within Uganda's University industry players.

It is imperative that private universities upscale all the aspects of their RMS. This should be done in ways that will enable the stakeholders recognize a positive difference between the new and previous status.

University management and policy makers should ensure that all staff performing duties in the same rank invariably earn a similar base pay. What should only affect the total take

home should be the variable pay which is performance based and is earned on account of additional responsibilities. Since academic staff fall within different age groups, universities should devise cafeteria benefits from which individual staff would be free to choose packages which are appropriate for him/her.

Management should establish a fund for gratuity in addition to the mandatory NSSF. This will enhance satisfaction and eventually improve the staff's performance and their retention rate. Management should improve on the timing, accuracy and frequency with which the financial rewards are given as this attributes will form the basis of the reward management system's success.

Management in private Universities should adopt a systems approach to reward management. Strategies should be drawn and geared towards enhancing performance of academic staff. Policies should be made and religiously implemented to guide procedures and practices related to the management of financial and non financial rewards in these institutions. Strategies and policies once formed should clearly be communicated to the employees so as to encourage individual performance, feedback and redirect energies to areas of interest. Private Universities should desist from equality tension as this yields undesirable behaviour.

The academic staff should take keen interest in acquainting themselves with written reward strategies and policies so as to be able to monitor their implementation. Government, through the National Council for Higher Education, should be more vigilant in ensuring that the written reward strategies and policies are both disseminated to staff and also implemented in line with national set standards. Rather than wait for fire-fighting actions when aggrieved staff complain, the NCHE should set penalties for universities which breach the set standards relating to reward.

In order to appease the academic staff, universities should have reward policies that are responsive to changes in their Cost of Living. Because accommodation, meals, transport and medical expenses are basic needs for academic staff, they should be catered for by the private universities. These ought to be adequately captured by universities' reward strategies and policies. Rewards of academic staff in private universities should be adjusted regularly to enable them maintain an acceptable standard of living. In addition, academic staff must be encouraged to form credit unions that can help them survive these changes without necessarily agitating for increase in pay from the university. To benefit from economies of scale, bulk purchases can be organized for basic home needs so that employees get these goods at favourable prices. This will in a way subsidize and mitigate the effects of the high cost of living on the academic staff.

Management should cater for changes in cost of living either through policy provisions or by way of providing tangible benefits that relieve academic staff of the direct impact of price changes on items such as staff accommodation, meals while staff are at the university, transport to different campuses and contributory medical insurance schemes. Indeed, Universities should set reward strategies and policies that are responsive to changes in the cost of living.

Government, through NCHE, should exhaustively monitor universities. It should ensure that each private university has and implements a reward policy; a policy which ought to contain a provision for adjustment of both financial and non financial rewards of academic staff so as to cater for changes in the cost of living. NCHE should set minimum standards regarding

the way rewards are distributed to academic staff in private universities. It is against these minimum prudential standards that implementation of universities' reward strategies and policies would periodically be monitored, evaluated and rated for consistency and compliance.

Further research should be conducted in order to establish other factors that predict the relationship between RMS and COL.

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Challenges of Managing Newspaper Organizations in Nigeria

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Abstract. This paper examines some of the major challenges of managing newspapers organizations in Nigeria. It begins by tracing the establishment of the first newspaper ‘Iwe – Iroyin’ in 1859 by Reverend Henry Townsend during the colonial period to date. The study found out that newspapers are owned by both government and individuals. This means the sector has been deregulated since the beginning of newspapering in the country. It was also observed that advertisers play a significant role in the survival of the newspaper organizations. This is because advertisement is their major source of income. Moreover, the study highlighted some of the major challenges of managing newspaper organizations in Nigeria that include high cost of production, low advertisement patronage, ownership interest and government policy among others.

1. Introduction

Traditionally newspapers as mass media inform, educate, entertain and play their part in the transmission of cultural heritage.

Newspapering in Nigeria, which can be said to have effectively begun in 1859 with the establishment of Iwe-Iroyin by the Reverend Henry Townsend in Abeokuta, is about a hundred and fifty years old. Along the line, however, there has been a mushrooming of titles on the newsstand and conversely, a great deal of harvesting of most of these titles.

While they lasted, these papers saw it as obligatory to adequately inform their readers. News story is largely defined and determined by professionals in the newsroom. They existed to basically serve ‘public interest’. This view is attested to by Hallin in Curran and Gurevitch (2000:222) that: Traditional newspaper owners wanted to make money, of course. But they were often satisfied with profit margins of 5 – 7 percent, and were strongly oriented towards the prestige and public standing of their papers. It was in that economic context ... that journalistic professionalism thrived.

The orientation of founding fathers of the first set of newspapers during colonial days and up to the 70s in Nigeria was no doubt similar. However, these were in the days of sufficient funding for the one – man owned newspapers and adequate subvention by government for its newspapers. Economic realities of the mid 20th century and early 21st century have put many newspapers in financial straits that compelled the search for fund from other sources, a search that often bear implications for professionalism and ‘traditional’ media practice.

Suddenly, profit generation has shot up as an essential ingredient in the media houses, including newspapers. Government owned media are not spared. This dilemma, or is it reality, is put succinctly by Hallin (2000) when he stated that there “is a change in the economics of the news media, which has shifted the balance between business and journalism”, a balance skewed in favour of business.

This new reality of the prominence of market forces impacting even government owned media is made by Picard (1989:14) when he wrote that: Media in the United States are for the most part capitalist ventures operated private parties for the purpose of generating profit. Even not for – profit media – such as public broadcasting or organization operated media – are influenced by the principles of the market system and are thus affected by its operation. He further stated that the media, newspaper inclusive, operate within an economic system and try to meet the need of four clearly distinct groups.

These are:

- Media owner who are concerned with the preservation of the firm and its assets (both public and private), high rate of return on investment and company growth.
- Audience (readers) who desire high quality media products and services.
- Advertisers who desire access to their target audience at a relatively low price and
- Employee that expects good compensation and general wellness attendant to their being employed by the firm.

This scenario is evident in the operation of government owned media in Nigeria. From inception, government – owned print media had always been in the forefront of the struggle for advertisement. So successful in this respect was the defunct Daily Times newspaper that it was, while it lasted, the prime choice print medium for advertisers.

Hallin (2000:222) wrote that newspapers are doing what they must to respond to a dangerous decline in readership, becoming more responsive in an effort to hold on to ‘customers’ who can choose between a number of sources of information ... newspaper readership is indeed declining ...

Given these facts, newspapers had no choice but to find out what modern readers wanted and give it to them. This includes shorter stories and a shift in the agenda away from traditional ‘public affairs’ and towards lifestyle features and ‘news you can use’.

2. Brief on the Newspaper Industry in Nigeria

Between 1895 when the first newspaper, Iwe Irohin, was published in Abeokuta, Nigeria had on its newsstand, in the intervening period of a hundred and fifty years, 103 newspapers and 59 magazines. (Aina: 2002:244 – 250).

Of course, the figure is not static. While some of the titles are still surviving and indeed thriving many more have been rested. Prominent among the titles that have weathered the storm are The Tribune, The Punch, The Guardian and The Vanguard group of newspapers. However, a notable feature of newspaper publication in Nigeria is the relative ease with which many of the titles go into oblivion. For instance, of the 103 newspapers listed by Aina (2002), less than ten survived for more than two decades.

A combination factors no doubt account for this. Prominent among these are nature of Ownership, Economic, Political, Social and even Technological developments.

3. Ownership pattern

From the days of Dr. Nnamdi Azikiwe's West African Pilot that was banned by the colonialist in 1945 and Obafemi Awolowo's The Nigerian Tribune founded in 1949, Nigerian politicians have always been involved in the newspaper industry in Nigeria, apparently to propagate their views and ideals. Taking a cue from the nationalists, post independent politicians in Nigeria like Chief M.K.O. Abiola, founder of the Concord Group of Newspaper, used papers in his Concord Group stable, National and Sunday Concord, not only to fight the opposition Unity Party of Nigeria, but also to promote him politically.

Irrespective of the actual owner, political party newspapers or one that is overtly partisan, have a common history. From the West African Pilot, the National Concord to The Champion group, they hardly outlive their founders or their political interests.

Yet another clearly identifiable category of ownership structure in Nigeria newspaper industry is the business man-owner. Papers that clearly fall into this category are Alex Ibru's the Guardian group of newspapers, Nduka Obiagbena's This Day newspaper, Olu Abodunrin's The Punch newspapers and Sam Amuka's Vanguard group of newspapers.

The pursuit of profit and survival instincts occasioned by environmental factors like closure of newspaper houses by government or confiscation of copies, need to acquire modern printing machines and inflation occasioned by high cost of production and sharp drop in copies sold have at one point or another made the newspapers to either jettison journalistic principles or diversity into ventures that compromise journalistic ideals.

4. Total Newspapering to the Rescue

According to Towles (1984), in order to survive, Nigerian newspapers have embraced the concept of 'total newspapering'.

The separation between journalism and business so dear to the heart of the 'traditional' journalist is increasingly giving way to the concept of 'total newspapering': the idea that circulation, sales and editorial efforts must be integrated, all directed towards the projected marketing news-information.

To this end, Underwood (1993) observed that: Editors are increasingly expected to have business training, and market research increasingly influences editorial decisions. Often there is considerable tension between the cultures of journalism and marketing.

This Day newspaper is well known for its "This Day Award". Through this annual event the paper presents award for "good performance" mostly to state chief executives. The subjectivity of the criteria for selection and the hobnob with state chief executives ensure good financial returns, but no doubt bears negative implications for editorial independence on issues affecting such awardees.

The above notwithstanding, this category of business-driven newspapers have succeeded in surviving in the turbulent Nigerian newspapers industry. The colourations of newspapers defined by the readership theory are all evident in these papers. News stories are shorter, colour and graphics are generously used on the sports pages and business pages which feature abundance of graphs dealing with issue that affect the economy.

5. Role of Advertisers

Yet another clear evidence of the practice of ‘total newspapering’ in Nigerian media in general and print media in particular, is the issue of advertisers and advertisement. In this regard professional sanctity is violated with impunity. Front pages of newspapers are now frequently surrendered to advertisement.

The longest surviving and most thriving newspapers in Nigeria today, except one (The Tribune) are located in Lagos, the acknowledged business and commercial hub of the nation. Their survival is largely tied to their ability to attract advertisers. These newspapers are The Guardian group, The Punch group, Vanguard group and This Days group. The influence of advertisers on newspapers cannot be over emphasized. Bettig and Hall (2003:5) highlighted relationship between the mass media and advertisement when they stated that “the history of the mass media is intimately bound up with the history of advertising”. Indeed it is common saying that “news sell the paper, adverts sustain it”. Advertisers exercise both subtle and direct influence on the media. First, they determine media structure through determining where to spend their money and support media outlets that reach the right demographics group (Ibid, 2003:5).

Second, they exercise direct effect on media content by threatening to withdraw their adverts from hostile media. The wrap around advert invades the sanctity of the front and back pages of newspapers (Oso, 2012). An example of this was in the Monday, January 19, 2015 edition of The Punch Newspaper. It carried the controversial death wish advert sponsored by Ekiti State Governor, Ayo Fayose against General Muhammad Buhari, the then Presidential Candidate of All Progressives Congress (APC).

Moreover, another example can be found on the front page of Daily Trust of Friday 29th May, 2015, the advertisement of President Muhammad Buhari sponsored by Yobe State Government. Between January and March 2015 during the hot electioneering campaign most Nigerian newspaper surrendered their front and back pages to the advertisement of a one candidate or another.

The influence of the advertiser on media contents is emphasized by Tony Momoh, (2007) a onetime editor of the Daily Times, thus:

“This is the influence which advertisers bring to bear on editorial decisions. It is not unusual for the proprietor to tell the editor that he does not want a particular material published in his paper at the prompting an advert patron. There is hardly any editor or anyone in position to make editorial judgement who has not been confronted with embarrassing decision to pull out of the press what the owner had to remove”.

Indeed, the influence of advertisers is so overwhelming on our newspapers that they take up desired spaces in the papers. These practices bear implications for the newspaper industry. On the positive side, enough revenue is generated to keep the business going.

As a critical factor in Nigeria newspaper industry, advertisers will always remain important determinants of the survival or otherwise of newspapers especially in the face of the glaring failure of governments to complete or survive in the industry.

However, the management of the influence of advertisers such that the basic responsibility of newspapers as media for information, education, entertainment and socialization (and) motivation of both the society and individual within it, (Sobowale, 195:37) will not be sacrificed on the altar of profit expediency will remain a great task for professionals. How this can be done should be of serious concern to Nigerian media scholars and practitioners.

Below are some of the Challenges/Problems of Newspaper Organizations in Nigeria:

- **High Cost of Production:** Most of the equipment such as newsprint, ink and plates are not process in Nigeria and the cost of importing them is high.
- **High Cover Price:** The price of the newspapers is too high for a common man. Instead of more people reading newspapers, we find less people reading. The high cost of reading newspapers has made most people to look for other means of acquiring information.
- **Low Advert Patronage:** Most advertising companies hardly advertise their products because, newspapers charge higher price for advert. For example, it cost over five hundred thousand naira to place a full page coloured advert in a national daily.
- **High Circulation Cost:** Most newspapers in those days had easier transportation facilities like cars and vans. But because of the current high cost of vehicles, fuel, etc. they have no longer able to purchase vehicles for circulation of newspapers. The insecurity problems in the country add to the problem of transportation.
- **Embezzlement:** Most of people who are placed in top positions normally embezzle the funds generated. Example of closure of New Nigerian and Daily Triumph newspapers are clear examples of mismanagement of resources by those at the helm of affairs of media houses.
- **Non – Professionalism:** Those who do not know how to manage the affairs of the newspaper organizations replaced there, especially government owned newspapers.
- **Lack of Plan:** Most newspapers houses do not plan well before setting up the organization so, they face problem of discontinuity as a result of lack of fund. Recent example is the Next Newspapers group.
- **Government Policy:** The political situation in a country goes a long way in affecting the management of the news media. The political system and policies made by the political leaders do affect management of newspapers in their functions. This implies that, the political arrangement in any society goes a long way in determining the communication behavior of its members. The prevailing political situation has direct bearing on the management of the news media. This therefore implies that, the kind of message to be passing across the people is dependent upon the prevailing political situation.
- **Deadline Problem:** Journalists are always in a hurry to beat deadline because, if the news is not reported in time, it becomes a stale story. Thus, the attempt to beat deadline becomes a serious problems and led to a lot of stories being unreported. Timely production and circulation of newspapers message to the audience is very important, but this is sometimes delayed due to technical or logistic problems.

- **Economic Factors:** Inflation, high rate of unemployment, changes in wages of staff, fall in the value of country's currency (Naira), etc affect the management of an organizations thus, in Nigeria, the continual depreciation of the Naira and the increase in the cost of living also affect the print media industry. This led to staff retrenchment, conversion of full time staff to stringers and engagement of freelancers as reporters.
- **Environmental Factor:** The geographical location of the media affects its management. Galadima (2000) notes that media institutions are affected by the environment they are situated. A newspaper that operates from the northern part of the country for example will consider that region as its manages its activities. Such a medium may not write or report against the people of northern region. Likewise for a newspaper located in the southern part of the country. This informs why the media always projects the image of people of the part of the country, it is situated.
- **Ownership Interest:** Most media owners whether public or private often meddle in the affairs of their organizations. The owners may want to dictate to the management what to report or what not to report. The manager who wants to retain his job has to work with the dictate of the owner. For example, Mahmud Jega's sage at New Nigerian during former President Olusegun Obasanjo's tenure. And of recent, the publication of death wish advert by the then Daily Sun MD, Mr. Femi Adesina as the instance of Mr. Orji Uzor Kalu, the publisher of the newspaper.
- **Professional Ethics:** Ethics are moral principles that guide journalists in the cause of their duties. Ethical terms like objectivity, balance, fairness, social responsibility, etc. often deter journalists from reporting certain stories.
- **Legal Considerations:** These are laws of the media. The managers consider the legal implication of publishing a story. If a story will implicate a media house, then there is no need to publish it. The managers tried hard to avoid running into laws of defamation and sedition. Most newspaper houses have a legal department that screens news items so as to ensure that they are free of libelous contents and other offenses.

Effects of the above problems on readers are as follows:

- More free readers.
- Reduction in bulk purchase.
- Group purchase and readership.
- Resort to alternative sources of getting news, TV, radio and online.

Effects on Newspapers Organizations include:

- Reduce in Print run. Copy production has been reduced as a result of scarcity of materials.
- Reduction in page numbers.
- Reduction in circulation.
- Reduction in manpower (Retrenchment of staff, conversion to Stringers and employing the services of freelancers).
- Folding up.

Effects on Vendors are:

- Reduction in sales.

- Loss of employment.
- Payment for reading but not buying.
- Reduction in income.

6. Conclusion

Faced with a readership that is increasingly inclining more towards aural and visual messages due to demographic changes and economic realities, the inclination of Nigerian newspapers toward 'total newspapering' would appear inevitable. This has two important implications. Journalism training has to be reoriented to accommodate more training in economics, the arts and the economy in general. Also, the Nigerian Union of Journalists, The Guild of Editors and The Nigerian Press Council have a lot to do in ensuring that professionalism is not completely sacrificed on the altar of economic survival expediency by Nigerian Newspaper.

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Part Two
Development Administration



Youth Empowerment and Reduction of Unemployment in Gardo, Punt land, Somalia

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Abstract. The study examined the relationship between youth empowerment and reduction of unemployment in Gardo, Puntland, Somalia. The following objectives guided the study: (i) to investigate the causes of unemployment in Gardo, Punt land Somalia; (ii) to assess the effect of the conflict on youth empowerment and reduction of unemployment in Gardo, Punt land Somalia; (iii) to investigate the role of the government in youth empowerment and reduction of unemployment in Gardo punt land Somalia; and (iv) to determine if there is a relationship between the level of youth empowerment and reduction of unemployment. The methodology applied in the research were descriptive design by administering questionnaires to a sample of 133 respondents selected using stratified random sampling techniques. Research findings revealed that the causes of youth unemployment was notably the lack of skills development and vocational training alongside religious related factors; the conflict has also considerably limited opportunities of employment both in the private and public sectors; government plays the role of providing technical and vocational training to boost youth employability and a significant and positive relationship between youth empowerment and reduction of unemployment. In conclusion, it is time to seize the opportunity to train youth more effectively and link them to workplace culture and educate them to assume roles of an active citizen. Thus, in order to create a level playing field in public sector jobs and enhance the chances of youth employability, it is necessary that the Government reviews its employment register and payroll of ghost workers whose numbers are reported to be significant. The State should also join hands with non-governmental organizations such as African Development Solutions (ADESO), Save the Children International among others to put in place programs that target the youth.

Keywords: Empowerment, reduction of unemployment, job creation,

1. Introduction

While there are many political and economic factors destabilizing Somalia are intertwined, one recognized strand is the large population of unemployed youth, who, unable to find productive work, are at risk for destructive employment. A 2005 analysis by the World

Bank, which summarized the recent history of conflicts in Somalia and analyzed what has fed the source of conflicts, found that unemployed youth was one important driver of conflict (World Bank, 2005).

The authorities in Punt land have recognized the need for youth empowerment and participation in national development by preparing the current Punt land Youth Policy that stresses the need for collaboration between all stakeholders in youth development including government ministries, civil society organizations, international development organizations, the private sector and young people. In the current Punt land State of Somalia, National Youth Policy represents a message of hope for young Somalians. It recognizes that the young people of Punt land face immense challenges in every aspect of their lives. Equally the Policy acknowledges that young people are a significant resource that needs to be mobilized for their positive contribution and creativity for community and national development. The Policy provides a vision, framework and set of critical interventions that targets all 15 – 30 years of age (DBOP September, 2011).

In Punt land, the ideas, opinions and views of the youth are most often ignored in major decision making processes thus creating a spirit of rebellion in them and as a result they tend to go against the rules and regulations set aside by elders, a situation that triggers conflict. Due to lack of adequate employment opportunities, most of the youth are idle and lack means to cater for their essential needs giving them a reason to accept any incentives given to them to indulge in acts of conflict because they have vast time and energy at their disposal (PNYP, 2012). During the conflict in Punt land youth were forced into being principal perpetrators while those who tried to escape from forceful recruitments to war groups and their allies, risked exposing themselves to untimely deaths in the process of running away from their motherland. This was exacerbated by the state-government failure to offer youths hope in formal job placements and capacity development. It offered no protection from evil and offered no youth leadership that is devoted to show youth that their government cares for them or at least tries to establish hope where there was none (PNYP, 2012).

Certainly, the private sector is the main, as well as, the less controversial job creator in Punt land because the supply of labor is responsive to demand and therefore satisfies the actual need of employees. It also provides an open-ended room for expansion and has better growth prospects as compared to the public sector. The public sector's job market, on the other hand, is generally less elastic and has lower labor absorption capacity than the private sector. Moreover, in the case of Punt land, there is an element of subjectivity and less leveled playing field with regard to the selection of employees. Factors such as nepotism and clannism come into play. This subjectivity is believed to be the reason for the reported existence of an undetermined number of ghost employees in the State's civilian and security payrolls (PDRC, 2011).

2. Objectives of the Study

The general objective of this study was to examine the correlation between youth empowerment and reduction of unemployment in Gardo Punt land, Somalia.

Specific objectives include:

- i. To investigate the causes of unemployment in Gardo Punt land Somalia.
- ii. To assess the effect of the conflict on youth empowerment and reduction of unemployment in Gardo Punt land Somalia.
- iii. To investigate the role of the government in youth empowerment and reduction of unemployment in Gardo Punt land Somalia.
- iv. To examine the relationship between youth empowerment and reduction of unemployment in Gardo Punt land Somalia.

4. Literature Review

Youth unemployment remains a barrier in development given that the highest rates on the continent are in East Africa, where 67% are unemployed. This large unemployed population indicates lost potential since communities and nations fail to benefit from what the young people could theoretically contribute. Also, difficulties in finding and sustaining employment detract a young person's lifetime productivity and earnings, making it more challenging to escape poverty. Culturally, youth are considered immature and in need of guidance since they are not trusted to make sound decisions for themselves and others. Youth is often a relative concept with no fixed boundaries that is used to sideline or humiliate a competitor of lesser age, perpetuating a culture of gerontocracy. The influence of the clan, in which the role of elders and the traditional leadership is prominent, further entrenches exclusion. A skewed social structure keeps these groups in power (UNDP, HDR 2012).

According to the 2007 world development report published by the World Bank, there are 1.4 billion people worldwide aged between 12 and 14 years, 1.3 billion of whom live in developing countries (WDR, 2007). The increase in the number of youth shows that the most working groups lack basic education and employment opportunities. It is estimated that 2,000 to 3,000 children, as young as nine years of age are being used by multiple armed groups across Somalia, and that some schools are being used as recruitment centres (UNICEF, 2010).

During the prolonged civil war, hopeless youth became prey for a host of unscrupulous warlords, politicians and religious fanatics. These adult exploiters lured, trained and forced the youth to become criminals by committing murder, rape, looting and kidnapping. The youth also joined piracy activities. Hundreds of young Somalis are today languishing in jails all over the world up to South Korea, Seychelles, Kenya, France, United States, India, Libya, and Saudi Arabia for piracy, kidnapping crimes or for illegal immigration. Many died in the Sahara desert; others drowned at the sea for seeking opportunity in far countries up to Australia and New Zealand. World media show routinely images of dead bodies of young Somalis lying at the beaches of Italy, Libya and Yemen. Others were killed by international forces protecting the maritime navigation off the Somali coast of Indian Ocean, while thousands are missing. As described above, Somalia faces the challenge of demographic pressure because 73% of the population is below the age of 30 and this 'youth bulge' remains a serious barrier to peace and stability in Somalia unless immediate actions

on employment, education, training and economic support are undertaken (Pambazuka news, 2013).

In Punt land, an increasing number of youth are involved in piracy and ancillary illicit activities that are eroding the social fabric and enticing disenfranchised youth to make a “quick buck.” In the worst cases, unemployed youth are often hired by local militias to engage in violent and disruptive actions. Often a mere promise of a \$5.00 phone scratch card for a young man (or teenager) is enough of an incentive to throw a grenade into a marketplace). In 2008, USAID funded the Somali Youth Livelihood Program, known locally as *Shaqodoon*, to reduce youth unemployment by providing them with opportunities to access training, internships, work, and self-employment. The program was based on the finding that only an estimated 15 percent of youth in Somalia were employed and that fewer than 17 percent had basic literacy and numeracy skills. Low education levels mean that many youth tend to have very limited marketable skills and remain unemployed.

5. Methodology

A descriptive and cross-sectional survey designs were adopted to guide the process of data collection and analysis. Data was collected using questionnaires from a sample of 133 respondents identified with the aid of Slovens formula using stratified random sampling because the respondents were divided according to their major characteristics of age, gender, and education. Data analysis was done through editing, coding and tabulation with the aid of Frequency and Percentage distributions, Means and Pearson Linear Correlation Coefficient test.

6. Results and Discussion

CAUSES OF YOUTH UNEMPLOYMENT IN GARDO PUNTLAND, SOMALIA

Table 1: Descriptive statistics on the causes of youth unemployment in Gardo, Puntland, Somalia

S/N	Causes of Unemployment	Strongly Agree	Agree	Disagree	Strongly Disagree	Mean Range
1	Lack of skill development/Vocational Training programmers	57	42	3	0	1.519
2	Religious factors and interests	36	57	11	0	1.759
3	Frequent changes in Political Systems	17	69	17	1	2.019
4	Inflation is the one of the oldest causes of youth unemployment	11	46	44	3	2.375
5	Lack of Capital and Technical skill of young people	14	33	57	0	2.413

Source: Primary data, 2015

Table 1 presents the causes of unemployment among the youth in Gardo, Puntland, Somalia. Accordingly, the lack of skills development & vocational training is indicated as

the main contributing factor to youth unemployment at (mean = 1.519) which on the likert scale reveals a strong agreement on the part of the respondents. Religious factors and interests ranked second (mean = 1.759); followed by frequent changes in political system (mean = 2.019); inflation (mean = 2.37); and lack of capital (2.413). The above statistics greatly point to the lack of skills and religious factors as the major obstacles to youth unemployment in Gardo, Puntland, Somalia.

EFFECT OF THE CONFLICT ON YOUTH EMPOWERMENT AND UNEMPLOYMENT

Table 2: Descriptive Statistics on the Effect of the Conflict on Youth Empowerment and Unemployment in Gardo, Punt land, Somalia

S/N	Effect Of Conflict On youth Empowerment	Strongly Agree	Agree	Disagree	Strongly Agree	Mean Range
1	Limited opportunities of employment in the private and public sectors.	56	48	0	0	1.461
2	Somalias conflict created a generation of high illiteracy, unemployment and lack of hope of better sustainable future of the country	36	63	5	0	1.701
3	These children were recruited and encouraged to participate in the conflict as child soldiers	22	75	7	0	1.855
4	The Youth also joined Piracy Activities	11	68	18	7	2.201

Source: Primary data, 2015

Table 2 above presenting the effect of the conflict on youth empowerment and unemployment indicate the conflict has created limited opportunities of employment in both the private and public sectors (mean 1.461); the conflict has increased illiteracy rates and hence unemployment of the youth (mean = 1.701); recruitment of children as child soldiers (mean = 1.855) and joining piracy (mean = 2.201). All the above items with their responses reveal how the conflict has deprived the youth of opportunities to engage in income generating activities let alone have the skills needed in the job market.

THE ROLE OF GOVERNMENT OF PUNT LAND IN YOUTH EMPOWERMENT

Table 3: Descriptive statistics on the role of Government of Punt land in Youth Empowerment

S/N	Role of the government	Strongly Agree	Agree	Disagree	Strongly Disagree	Mean Range
1	Provision of technical and vocational education training	47	55	2	0	1.567
2	Improving the employment rate and creating employment opportunities and programs that aids youth to get jobs	57	46	1	0	1.461
3	Decreases the risk of young people being recruited into armed conflict, succumbing to drugs.	12	68	20	4	2.153

4	To assess the youth employment needs of the labor market.	11	61	31	1	2.211
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Source: Primary data, 2015

Table 3 above presents the role of the Government of Punt land in empowerment of the youth so that they can take charge of their environments responsibly. Provision of technical and vocational education training (mean = 1.567); improving employment rate and creating employment opportunities (mean = 1.461); minimizing the risk of young people being recruited in armed struggles (mean = 2.153); and assessing employment needs of the market (mean = 2.211) all suggest that the respondents strongly agreed and agreed on the fact that Government of Punt land is trying her level best in ensuring that mechanisms are in place to increase the employability of the youth.

RELATIONSHIP BETWEEN YOUTH EMPOWERMENT AND UNEMPLOYMENT IN GARDU, PUNT LAND, SOMALIA

Table 4: Pearson Linear Correlation coefficient Test on the relationship between Youth empowerment (IV) and Unemployment (DV)

(Level of Significance = 0.05)

		ETHICAL GOVERNANCE	POLITICAL ACCOUNTABILITY
Youth Empowerment	Pearson Correlation	1	.641**
	Sig. (2-tailed)		.003
	N	133	133
Unemployment	Pearson Correlation	.641**	1
	Sig. (2-tailed)	.003	
	N	133	133

** . Correlation is significant at 0.05

Source: Primary Data, 2012

Results in Table 4 computed using PLCC test identifies the significant relationship between the independent variable and dependent variable and it indicates that there is strong and significant relationship between the variables correlated (p=0.641, sig=0.003). To this effect youth empowerment if well managed through enterprising skills have the potential of widening their employability and hence, reducing unemployment in Gardo, Punt land in particular and other parts of the developing world grappling with how to fix the unemployed in income generating activities.

7. Conclusion

A considerably big number of youth in Somalia are unemployed as a result of lack of technical and vocational training skills alongside religious related factors. The effect of the long standing war cannot be underscored too in rendering many Somali youth disempowered let alone being lured to join wrong militia groups intended to destabilize

their fellow nationals. Whereas government of Punt land has played a dramatic role in ensuring that they put in place programs intended to avail equal opportunities to the youth, a lot need to be fixed so that those in the age brackets of youths find meaningful life to lead given that such age brackets form societal bedrock of an energetic workforce. Besides the above, an empowered young person creates a peaceful and stable country through participating in decisions that promote economic development of the country.

8. Recommendations

There is need on the part of Government of Punt land to empower the youth by reviewing her policy on employment with a view of creating job opportunities by building the capacity of the youth at all levels of institutions. This can be attained by providing training and education for youth in Somalia. This is what our society needs, so that young people will be educated in ways that can benefit them and hence, bring about a country's social and economic development.

In order to create a level playing field in the provision of public sector jobs and enhance the chances of youth employability, it is necessary that the Government should review its employment register and clear its payroll of 'ghost workers' whose numbers are reported to be very many. This would be in the interest of fairness and transparency in addition to making a room for deserving job seekers.

There is need to promote a more positive perception and attitude towards vocational education and training in the country given that society perception is that vocational training is for those who cannot progress through the education from primary to university level for 'white collar jobs'. With a change of such mindset the young people will develop interest in these technical related programs that prepares them for the vast opportunities available that require specialized skills. Besides, Government of Punt land needs to attach competitive salaries for such groups of professionals as an enticement.

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Service Delivery in Urban Divisions of Kampala, Uganda

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Abstract. This study investigated the level service delivery in the divisions of Kampala District, Uganda. The objectives of the study were: (i) to determine the level of service delivery in divisions of Kampala districts in terms of teachers' service, local council workers' and health workers' services, (ii) to establish whether there is a significant difference in the level of service delivery among the divisions of Kampala district. To test the null hypothesis of no significant difference in the level of service delivery among the divisions of Kampala District, the descriptive correlation survey, causal and ex-post facto designs were employed. The data were analyzed using relative frequencies, means, rank and analysis of variance. The findings revealed very high level of service delivery for teachers, high level of service delivery for local council workers and health workers. There was no significant difference in the level of service delivery among the divisions of Kampala. It was concluded that the service delivery of teachers was rated very high, local council workers' and health workers' service delivery was rated high. Basing on the findings, this study recommended that leaders of divisions of Kampala district should close the gaps between the high to very high scores of service delivery by monitoring the teachers, local council workers, and health workers that provide the services and a two way research tool of those who get the services and those that provide the services to be used for representative responses.

1. Introduction

World over there are reforms in the health sector, education sector and local governance to achieve the millennium goals. Districts in Uganda are funded by central government and development partners to ensure quality service, it is dream to many people, even though it continues to attract significant controversy as politicians argue for more funds but development partners have different views.

The increasing focus on systems like total quality measures and balanced score cards by managers, consultants and academicians shows that there is increasing pressure leading to competition that has put pressure on organizations to improve their performance in order to survive by improving on the way services are delivered (Hussain and Hoque 2002). Service delivery has an impact on human development directly if it is delivered to people in the form of basic services such as education, health and water and sanitation which contribute to promoting human development (Action aid, 2007). Service Delivery was used to refer to the process by which public functions, activities and responsibilities are disseminated to the public in divisions. In this study, service delivery was characterized by teachers', local council workers' and health workers' services Two decades after the decentralization of

service delivery to districts in Uganda. There is still declining levels of quality services despite a lot of funding by central government.

Though decentralization was introduced to improve service delivery in districts as it extends power near people. Many districts still have poor service delivery, this is evident by poor roads, health service, education service and no clean and safe water and the trend is country wide. Kampala district is among the worst performing as far as service delivery is concerned as a number reports have revealed (Auditor General Annual Report, 2010). The pertinent question however, is why quality service is not attained despite service delivery being decentralized and continued funding by central and development partners. This has prompted the central government to take over Kampala district so as to deliver quality services to the people. This is what formed part of the focus of the recent study which sought to determine the level of service delivery and a significant difference in divisions of Kampala district.

2. Review of Related Literature

A service is an activity or benefit that one party can offer to another that is essentially intangible and does not result in the ownership of anything. Its production may or may not be tied to a physical product, (Kotler & Armstrong, 1991). The service sector has an increasingly important role in the economy and public service delivery needs to evolve to meet the emerging challenges. It is widely recognized that service delivery needs to be more joined up, so that services are more consistent and less fragmented over time and between providers. There must be scope for greater efficiency in service delivery through standardization and sharing. In engaging with citizens and communities to design services, there is need to understand what they need, both from asking them directly, and from making the best possible use of the information we gather through service delivery. To close the loop, we need to know how well we are performing and communicate this to the communities, so they hold us accountable, (Molloy, 2006).

Jegers and Lapsley (2001) group service orientation under three subgroups namely efficiency, user convenience and citizen centricity. Speed of service delivery, compliance to committed service time frame, and quality of service and simplicity of user action required for obtaining the service and reliability of the service, measure efficiency. To measure user convenience, ease of access to the service, user dependence of time availability and existence of alternative processes in case of serious problems of suitability of service locations to socially and economically backward areas are used. On the other hand, the attributes used to measure citizen-centricity include extent to which user requirements are covered in service design, use of local language in user interfaces, number of visits to higher level offices to complete transactions and extent to which the staff of the service provider at service delivery station familiar with the services packaged for different user groups (Rao & Bhatnagar, 2004).

3. Research Hypothesis

The null hypothesis tested in this study was no significant difference in the level of service among the divisions of Kampala District.

4. Methodology

This study employed descriptive correlational survey and ex-post facto designs, the data were collected using standardized questionnaires. Using the Sloven's formula, a minimum

sample size of 535 of respondents was attained, though 590 questionnaires were administered to the respondents to achieve 100% retrieval. The purposive and stratified simple random sampling techniques were used to select from a sample of 535 respondents that included primary teachers, local council workers and health workers in Kampala district. The cronbach's Alpha coefficient test indicated that the questionnaires were acceptable at 0.5 ($\alpha=0.899$). The data were analyzed using relative frequencies, means and ranks. The null hypothesis was tested using analysis of variance (ANOVA) correlation coefficient.

5. Findings

Levels of Service Delivery

Table 1A: Level of Service Delivery in Terms of Teachers' Services

Measures of Teachers' Services	Mean	Interpretation	Rank
I always present my lesson to pupils.	3.66	Very high	1
I always use various methods when teaching.	3.62	Very high	2
I always have good relations with pupils and the people I work with.	3.61	Very high	3
I always teach the pupils effectively'	3.61	Very high	4
I always have integrity when doing my work.	3.60	Very high	5
I always motivate my learners when teaching.	3.59	Very high	6
I always prepare my lesson.	3.56	Very high	7
I always evaluate my pupils.	3.53	Very high	8
I always control the class effectively.	3.53	Very high	8
I always participate in disciplining the learners.	3.50	Very high	10
I always supervise the pupils effectively.	3.36	Very high	11
I always monitor my pupils daily.	3.34	Very high	12
I always participate in extra curriculum activities.	3.31	Very high	13
I always use teaching materials in my lesson teaching.	3.29	Very high	14
I always participate in the leadership and administration.	3.22	High	15
I always complete the teaching syllabus in time	3.09	High	16
Total	3.46	Very high	

Source: Primary data 2011

Mean Range	Response Mode	Interpretation
3.26-4.00	Strongly Agree	Very high
2.51-3.25	Agree	High
1.76-2.50	Disagree	Low
1.00-1.75	Strongly Disagree	Very low

Table 1A reveals that the level of service delivery of teachers' is generally very high. (Total mean=3.46) and this indicates quality service as explained by Edward Demings in Bernardin and Russel (1993) and Dessler (1994) and Ololube (2006) who observed that teachers are expected to render a very high job performance but always they do not due factors like inborn feeling or environmental factors that may hinder them (Linda, 2001). I always present my lessons to pupils ranked highest (mean=3.66). This was supported by

Owoeye (1999) who asserted that indicators of job performance like teaching effectively, prepare lessons, monitor students etc. are virtues which teachers must uphold effectively in the school system

Table 1 B: Level of Service Delivery in Terms of Local Council Workers' Services

Measures of Local Council Workers' Services	Mean	Interpretation	Rank
I always mobilize people to be active in initiating and supporting activities to improve local governance.	3.56	Very high	1
I always assist in maintenance of law, order and security in local Community	3.56	Very high	1
I always participate in leadership at local community.	3.47	Very high	3
I always participate in local community meeting.	3.45	Very high	4
I always participate in policy and decision making in the local Community	3.45	Very high	4
I always attend seminars & workshops on service delivery.	3.43	Very high	6
I always participate in conflict management resolution in local community.	3.43	Very high	6
I always believe that leadership is more of a responsibility than a position.	3.43	Very high	6
I always involve myself in resource mobilization in local community.	3.40	Very high	9
I always involve myself in planning and budget processes.	3.38	Very high	10
I always sensitize and educate the people about service delivery.	3.38	Very high	10
I always give the people the opportunity to voice their opinion.	3.37	Very high	12
I always provide guidance and counseling to my local community	3.33	Very high	13
I always account for the money allocated to me.	3.31	Very high	14
I always involve myself in community environmental management issues.	3.24	High	15
I always participate in local community projects.	3.13	High	16
I always make people in local community aware of local governance issues.	3.08	High	17
I always collect feedback from people on public services, such as health, education, roads and education.	3.08	High	17
I always complete my work on schedule.	3.00	High	19
I always monitor the services availed to the local community.	2.98	High	20
Total	2.68	High	

Source: Primary Data 2011

Legend

Mean Range	Response Mode	Interpretation
3.26-4.00	Strongly Agree	Very high
2.51-3.25	Agree	High
1.76-2.50	Disagree	Low
1.00-1.75	Strongly Disagree	Very low

Table 1B indicates generally high (Total mean=2.68) of level of service delivery of local council workers'; mobilize people and law maintenance were ranked highest (3.56), this is supported by the African Development Bank report (2003) in Tunisia that acknowledged that the integrated participatory approach is an effective strategy through which the ultimate beneficiaries have been able to assume more ownership and enjoy greater participation in the development process which contributed to sustainability of the achievements; Monitor the services availed to the local community was ranked lowest.

Table 1C: Level of Service Delivery in Terms of Health Workers' Services

Measures of Health Workers Services	Mean	Interpretation	Rank
I always link people to needed personal health services and ensure provision of health care when otherwise unavailable.	3.28	Very high	1
I always monitor health status of people to identify community health problems	3.28	Very high	1
I always inform, educate and empower people about health issues.	3.18	high	3
I always diagnose and investigate health problem and hazards in the community.	3.01	High	4
I always assure competent public and personal health care workforce.	2.98	High	5
I always evaluate effectiveness, accessibility and quality of personal and population-based health services	2.96	High	6
I always observe my patients rest periods.	2.94	High	7
I always mobilize community partnerships to identify and solve health problems.	2.94	High	8
I always enforce laws and regulations that protect health and ensure safety	2.90	High	9
I always research for new insights and innovative solutions to health problems.	2.76	High	10
I always develop policies and plans that support individual and community health efforts.	2.70	High	11
Total	3.00	High	

Source: Primary Data 2011

Legend

Mean Range	Response Mode	Interpretation
3.26-4.00	Strongly Agree	Very high
2.51-3.25	Agree	High
1.76-2.50	Disagree	Low
1.00-1.75	Strongly Disagree	Very low

Table 1 C indicates generally high (total mean=3.00) level of service delivery of health workers; I link people to needed health services and monitor people to indent community problems ranked highest (mean=3.28) and this is in line with Knipperberg etal (1997), who observed services must be taken near the people who are needy. Development of policies

and plans that support individual and community health efforts was ranked lowest in the study.

Testing of the Null Hypothesis

Table 2 Level of Service Delivery Among the Divisions of Kampala District

Level of Services	Division	Mean	F-value	Sig.	Interpretation	Decision on Ho
Teacher Services'	Central	3.48	.811	.519	No significant difference	Accepted
	Makindye	3.48				
	Rubaga	3.38				
	Kawempe	3.46				
	Nakawa	3.51				
	Total	3.46				
Local Council Workers' Services	Central	2.6484	1.316	.266	No significant difference	Accepted
	Makindye	2.6031				
	Rubaga	2.6281				
	Kawempe	2.6406				
	Nakawa	2.8547				
	Total	2.6750				
Health Workers' Services	Central	3.0473	1.738	.146	No significant difference	Accepted
	Makindye	2.8509				
	Rubaga	3.2545				
	Kawempe	2.8764				
	Nakawa	2.9382				
	Total	2.9935				

Source: Primary data 2011

(Level of Significance=0.05)

Table 2 shows that at a confidence level of 95% ($\alpha=0.05$), the computed F- values of the level of service delivery among the divisions of Kampala district in terms of teachers' services ($F=0.811$, $\text{sig}=0.519$), local council workers' ($F=1.316$, $\text{sig}=0.226$), and health workers' ($F=1.738$, $\text{sig}=0.146$), are higher than the significant values thus the null hypothesis is accepted, implying that there is no significant difference in the level of service delivery among the divisions of Kampala district. From the finding it was observed that the services of teachers, local council workers and health workers differed significantly in divisions.

6. Conclusions

Results from analysis of level of service delivery in this study service was categorized into teachers' service, local council workers' services and health workers' services. Results shows that the overall mean score for the service delivery was high (overall mean=3.05), the teachers service had very high average mean score (mean=3.46) and this indicates quality

service as explained by Edward Demings in Bernardin and Russel (1993) and Dessler (1994) and Ololube (2006) who observed that teachers are expected to render a very high job performance but they do not due to factors like inborn feeling or environment factors that may hinder them Linda, (2001).

The results on local council workers' service had average high mean score (mean=2.68). Results for health workers' services had average high mean score (mean=3.00). The level of service delivery in divisions of Kampala district overall was high, with teachers' services rated high while local council workers' services and health workers' services rated high this is most the indicators involved the service providers in many aspects of service delivery (Andrew, 2003; Shah, 1998).

Finding from Fisher's one way ANOVA on service delivery revealed that there was a significant difference in three categories of services among divisions of Kampala district. The teachers' services ($F=0.811$, $sig=0.519$), local council workers' services ($F=1.738$, $sig=0.146$) and health workers' services ($F=1.316$, $sig=0.266$).

There was a significant difference in the level of services among divisions of Kampala district. The level of service delivery among divisions did not differ significantly and implies that the divisions get the same services.

7. Recommendations

Leaders of divisions of Kampala district should close the gaps between the high to very high scores of service delivery by monitoring the teachers, local council workers, and health workers that provide the services. The responses rated by the teachers, local council workers and health workers may not have been representative. This because most of the item questions were the duties of the respondents as a result most of them supported them. Therefore a two way research tool of those who get the services and those that provide the services would have been used for representative responses.

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Local Authority Leaders and Capacity Strengthening for Traffic Accident Prevention in Northeastern Thailand.

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Abstract. This study was carried out to study situation analysis of local authority leaders for traffic accident prevention in rural areas of Northeastern Thailand and to find out how to increase capacity strengthening for traffic accident prevention for local authority leaders in the areas.

This study adopted a participatory action research in a sub-district administrative organization. Fifty local authority leaders in Itue Sub district, Thailand were interviewed. Capacity strengthening was studied through academic supporting documents, situation analysis, participation, handbook distribution, training, create project activities and monitoring in villages under the study in order to know local authority leaders arrange traffic accident prevention in their communities. Data were collected by questionnaire and focus group discussion and in-dept interview. Data analysis was done by descriptive statistics and pair t-test for significant difference between pretest and post test for quantitative data, and content analysis for qualitative data.

It was revealed that, after implementation, most local authority leaders were scored very high in terms of knowledge, attitude, intention, practice for traffic accident prevention, increasing program activities, coordination and participation for traffic accident prevention. They also support through budget, training obtained for fiscal year plan and environment arrangement for traffic accident prevention. These leaders, through these activities, also reduce the number of traffic injury.

The paper concluded that it is very important to have capacity building for traffic accident prevention in local authority leaders in rural areas for increasing concern and good behavior for traffic accident prevention and create activities in the communities for decreasing number of traffic accident.

Key words: Capacity strengthening, local authority, traffic accident prevention, local community, Northeast Thailand.

1. Introduction

Road safety is no accident. Over a million people are killed each year on the world's roadways: over 3,000 die each day, and tens of millions more are injured. Road traffic related crashes impose an enormous public health burden globally. In 2000, road traffic

injuries were the ninth leading cause of disability-adjusted –life years lost worldwide and are projected to become third by 2020. The World Health Organization (WHO) is taking a bold step forward by addressing road traffic injuries as a preventable global health problem. (Peden et al, 2001).

The comparison of traffic accident among ASEAN country found that Malaysia is highest number of death 25.0 per 100,000 population and Thailand is second 22.9 per 100,000 population the trend of number of accident fatalities per 100,000 population and per 10,000 vehicle during 1997-2007 are stable until right now no decreasing. (Atsushi Fukuda, 2006 and Pichai Taneerananon, 2008)

Although Thai government alerts to alleviation this serious problem, traffic accidents are still one of the leading causes of death in Thailand. According to an ADB-ASEAN report released in March 2004, the average economic cost of one traffic accident death is about 2.85 million baht. In addition, there is also the inestimable psychological damage. (Thai Health Promotion foundation, 2008) Therefore, traffic accidents impact human both physical and mental as well as social, prosperity and quality of life.

The first National Socio-Economic Development plan of Thailand was established in 1961. This caused Thailand to develop rapidly in all aspects, such as transportation, industry, agriculture, etc. The government however had no national accident prevention plan, so more development produced more traffic accidents and thus patients. Therefore, we could say that the traffic accident is a disease that is caused by an increase in development from 1969 up to now. Traffic accidents are a major cause of death and the trend increases rapidly every year. Most deaths occur in youths with about 20,000 cases per year. (Vichit Booryahotara, 1993).

Traffic accidents are serious problems in every province in Thailand. This leads to Public Health, economic and social problems. In the years 2003 and 2004 there were 65,932 and 86,528 accidents, with 46,035 and 80,305 injuries as well as 11,252 and 13,836 deaths. Traffic accidents have been the third cause of death since 1969 until now and increased to 13,996 die, and injured 973,104 in 2006. (Ministry of Public Health, Thailand 2006) the trend of traffic accidents is increasing rapidly. Although the Thai governor alert to implemented to tackle traffic problem.

Accident deaths are rapidly increasing. Thai deaths, in the year 2000 were 13,194 cases or 21.4 per 100,000. Injury and treatment in all government hospitals is 921,352 cases, 90 percent of injury patients, major cause of death below 50 years old and mostly males. For both injury patients and deaths more than 80 percent are drivers or passengers, and most were motorcycles. The most severe and most causes of death were from head and face. (Shamaiporn Santikarn, 2002).

Accidents in developing countries are higher by ten to forty times than in developed countries. This is because developed countries can control and prevent the increasing rate of traffic accident deaths. Developing countries however do not control this problem seriously, so people die prematurely. (Vichit Booryahotara, 1993). Injury surveillance and traffic research has found that accidents are the main cause of death with males more than females at a ratio of 3.2 : 1, ages from 15 – 29 years, in the labor group, and having risk behaviors of not using helmets when riding, and being drunk while driving. (Epidemiology Division, 2000).

Incidents of accidents increased from 61,329 cases in 1992 up to 110,686 cases in 2006. The morbidity rate of road traffic accident also increased from 35.82 per 100,000 populations in 1992 to 133.0 per 100,000 populations in 2006 (Ministry of Public Health, 2007)

The researcher is concerned about this serious problem and would like to study traffic capacity strengthening of local authority leaders for traffic accident prevention in context of rural community in the Northeast of Thailand.

2. Objectives of the Study

These include the following:

1. To study situation analysis of local authority leaders for traffic accident prevention in rural area.
2. To find out how to increase capacity strengthening for traffic accident prevention for local authority leader.

3. Research Methodology

This study adopted a participatory action research in one Sub-District Administrative Organization. Fifty local authority leaders in Itue Sub district, Yangtalad District, Kalasin Province, Thailand were interviewed. Capacity strengthening was studied through academic supporting documents, situation analysis, participation, handbook distribution, training for driving license, create project activities, monitoring in the villages of the district under study in order to know how local authority leaders arrange traffic accident prevention in their communities. Data were collected by questionnaire and focus group discussion and in-dept interview. Data analysis was done by descriptive statistics and pair t-test for significant difference between pretest and post test for quantitative data, and content analysis for qualitative data.

The researcher wants to motivate the local authority leaders to increase concern about traffic accident problem among their stakeholders about this matter such as policemen, teachers, health personnel, emergency medical service workers, monks, guardians and identify how they can work together in areas like problem analysis, planning, resource management together, and cooperation.

4. Results

1. General characteristics of stakeholders

1.1 General characteristics.

The total sample size consists of 50 local authorities. Most of them had age group of 41-55 and 46-50 years (28%) male, occupation were Government employee and agriculture 52 and 36% : position were member -district administration organization, vice head villages, health volunteers 74% , income per month more than 20,000 baht, married 88%

Education were Bachelor degree and High school 34 and 28 % The detail was shown in table 1

Table 1 Socio-demographic characteristic of stakeholders

Socio-demographic characteristic	No (n = 50)	percentage
1. Age (years old)		
26 – 30	1	2.00
31 – 35	2	4.00
36 – 40	4	8.00
41 – 45	14	28.00
46 – 50	14	28.00
51 – 55	10	20.00
56 – 60	5	10.00
2. Sex		
Male	40	80.00
Female	10	20.00
3. Occupation		
Government employee	26	52.00
Commerce	1	2.00
Employee	1	2.00
Agriculture	18	36.00
Other	4	8.00
4. Position		
Head of Sub-district Administration organization and Head of Sub-district.	2	4.00
Head of Village	5	10.00
Health Personnel	1	2.00
Policeman	5	10.00
Other: members -district Administration organization, Vice head villages, Health Volunteer, EMS staff, accident prevention in communities.	37	74.00
5. Income per month		
Less than 3,000 baht	2	4.00
3,001 – 5,000 baht	6	12.00
5,001 – 7,000 baht	5	10.00
15,001 – 20,000 baht	2	4.00
More than 20,000 baht	35	70.00
6. Marital status		
Single	2	4.00
Married	44	88.00

Table 2 Socio-demographic characteristic of stakeholders (continued)

Socio-demographic characteristic	No (n = 50)	percentage
Divorced	1	2.00
Widowed	2	4.00
7. Education		
Able reading	2	4.00
Primary school	9	18.00
Secondary school	5	10.00
High school	14	28.00
Diploma	3	6.00
Bachelor degree	17	34.00

1.2 Knowledge belief, attitude, intention and practice of traffic accident prevention of stakeholders.

A. Knowledge of traffic accident prevention between pre-test and post test.

A1. The level and comparative analysis of the knowledge of traffic accident prevention between pre-test and post test.

The level of knowledge in traffic accident prevention was categorized as low moderate and high. The results showed that among participants 46 % of them high level of traffic accident prevention knowledge, whereas 36 % had a moderate level and 18% in low level before implementation after implementation found that the all participants 100 % increasing to high level of traffic accident prevention knowledge. (Table 2)

Table 3 The level of knowledge on traffic accident prevention between pretest and post test.

Level	Pre-test		Post- test	
	Number	Percentage	Number	Percentage
High	23	46.00	50	100.00
Middle	18	36.00	0	0
Low	9	18.00	0	0
$\bar{X} \pm SD$	18.98 \pm 4.02		24.38 \pm 0.81	
Total	50	100	50	100

Total 25 score
 More than 20 High
 16-19 score Middle
 Less than 16 Low

A2. The comparison of mean score of traffic accident prevention knowledge between before and after implementation by pair t –test was applied. The results revealed that statistically significant differences.(p<0.001)

Table 4: The Comparative analysis of traffic accident prevention knowledge score of Local authority before and after implementation.

Knowledge on traffic accident prevention .	\bar{X}	S.D.	\bar{d}	t-value	p-value	95% CI
Pre-test	18.98	0.81	5.40	9.41	<0.001	4.25 to 6.55
Post- test	24.38	4.02				

B. The level and comparative Analysis of the Belief of traffic accident prevention between pre-test and post test.

B1. The level of belief of traffic accident prevention was categorized as low moderate and high. The results showed that among participants 30 % of them high level of traffic accident prevention belief, whereas 46% had a moderate level and 24 % in low level before implementation after implementation found that the most participants 96.36 % increasing to high level of traffic accident prevention belief. (Table 4)

Table 5: The Comparative Analysis of the belief of traffic accident prevention between pretest and post test.

Level	Pre-test		Post- test	
	Number	Percentage	Number	Percentage
High	15	30.00	49	98.00
Middle	23	46.00	1	2.00
Low	12	24.00	0	0
$\bar{X} \pm SD$	28.84 \pm 3.36		35.00 \pm 1.44	
Total	50	100	50	100

Total 36 score
 More than 33 High
 27-30 score Middle
 Less than 27 Low

B2. Comparison of mean score of traffic accident prevention belief between before and after implementation by pair t –test was applied. The results revealed that statistically significant differences.(p<0.001)

Table 6: The Comparative Analysis of the traffic accident prevention belief score of stake holders before and after implementation.

Belief on traffic accident prevention.	\bar{X}	S.D.	\bar{d}	t-value	p-value	95% CI
Pre-test	28.84	3.36	6.16	12.40	<0.001	5.16 to 7.16
Post- test	35.00	1.44				

C. attitude toward traffic accident prevention between pre-test and post test.

C1. The level and comparative of attitude toward traffic accident prevention between pre-test and post test.

The level of attitude toward traffic accident prevention was categorized as low moderate and high. The results showed that among participants 20 % of them high level of traffic accident prevention attitude, whereas 66 % had a moderate level and 14 in low level before implementation after implementation found that the most participants 100 % increasing to high level of traffic accident prevention attitude. (Table 6)

Table 7: The Comparative Analysis of the Attitude towards traffic accident prevention between pretest and post test.

Level	Pre-test		Post- test	
	Number	Percentage	Number	Percentage
High	10	20.00	50	100.00
Middle	33	66.00	0	0
Low	7	14.00	0	0
$\bar{X} \pm SD$	31.16 \pm 3.03		38.20 \pm 1.13	
Total	50	100	50	100

Total 39 score
 More than 33 High
 29-32 score Middle
 Less than 29 Low

C2. Comparison of mean score of traffic accident prevention attitude between before and after implementation by pair t –test was applied. The results revealed that statistically significant differences.(p<0.001)

Table 8: The Comparative Analysis of the traffic accident prevention attitude score of Local authority before and after implementation.

Attitude toward traffic accident prevention.	\bar{X}	S.D.	\bar{d}	t-value	p-value	95% CI
Pre-test	31.16	3.03	7.12	15.74	<0.001	6.21 to 8.03
Post- test	38.28	1.13				

D. Intention to traffic accident prevention between pre-test and post

D1. The level and comparative of intention to traffic accident prevention between pre-test and post

The level of intention to traffic accident prevention was categorized as low moderate and high. The results showed that among participants 28 % of them high level of traffic accident prevention attitude, whereas 72% had a moderate level before implementation after implementation found that the most participants 100 % increasing to high level of traffic accident prevention intention. (Table 8)

Table 9: The level score of intention to traffic accident prevention between pretest and post test.

Level	Pre-test		Post- test	
	Number	Percentage	Number	Percentage
High	14	28.00	50	100.00
Middle	36	72.00	0	0
Low	0	0	0	0
$\bar{X} \pm SD$	32.14 \pm 1.55		38.44 \pm 0.79	
Total	50	100	50	100

Total - 39 score
 More than 33 - High
 29-32 score - Middle
 Less than 29 - Low

D2. Comparison of mean score of traffic accident prevention intention between before and after implementation by pair t –test was applied. The results revealed that statistically significant differences.(p<0.001)

Table 10: The level score of intention to traffic accident prevention between pretest and post test.

Intention to traffic accident prevention .	\bar{X}	S.D.	\bar{d}	t-value	p-value	95% CI
Pre-test	32.14	1.55	6.30	25.76	<0.001	5.81 to 6.79
Post- test	38.44	0.79				

E. The practice of traffic accident prevention between pre-test and post

E1. The level and comparative of practice of traffic accident prevention between pre-test and post

The level of intention to traffic accident prevention was categorized as low, moderate and high. The results showed that among participants 32% of them high level of traffic accident prevention attitude, whereas 52% had a moderate level and 16% in low level before implementation after implementation found that the most participants 90% increasing to high level and 10% in moderate level of traffic accident prevention practice. (Table10)

Table 11: The Comparative Analysis of the Practice on traffic accident prevention between pretest and post test.

Level	Pre-test		Post- test	
	Number	Percentage	Number	Percentage
High	16	32.00	45	90.00
Middle	26	52.00	5	10.00
Low	8	16	0	0
$\bar{X} \pm SD$	29.32 ± 2.44		34.10 ± 1.96	
Total	50	100	50	100

Total 36 score
 More than 31 score High
 27-30 score Middle
 Less than 26 score Low

F2. Correlation

After analysis for correlation by Pearson Product Moment Correlation Coefficient in stakeholders group found that no significantly correlation between Knowledge, Belief, Attitude, Intention and practice (p-value= 0.9361, 0.8037, 0.2589, 0.0662 (table 11)

Table 12: Correlation between Knowledge, Belief, Attitude, Intention and Practice in stakeholders or community group.

Variables	Correlation Coefficient	p-value
Knowledge and Practice	-0.0116	0.9361
Belief, and Practice	-0.0361	0.8037
Attitude and Practice	0.1627	0.2589
Intention and Practice	0.2619	0.0662

Villages Contest for traffic accident Prevention

The contest arrange for all villages in Itui sub-district focus on:

- 1). Number of death cases
- 2.) Number of traffic accidents
- 3). Committees for traffic accident existing in community
- 4). Currently active activities for traffic accident prevention in communities
- 5). Information on traffic accident prevention disseminated to villagers by using Local Broadcasting or handbooks.

Articles for candidates on traffic accident prevention.

After implementation, information about knowledge on traffic accident prevention was given to four schools in Itui –sub-district administration, especially training for traffic accident prevention volunteer in school including handbook for traffic accident prevention distribution. The article on traffic accident prevention was arranged for students for increasing leadership and awareness concern about traffic accident and safety life. The 48 articles from four schools were sent to candidates who also have good opportunities of receiving rewards from president of ATRANS.

5. Discussion

After implementation, the mean score of knowledge, belief, attitude, intention and practice of traffic accident of stakeholders were significantly increasing than before (p-value < 0.001). Many activities for traffic accident prevention were arranged. The number of traffic accident was decreasing. Because of many activities for traffic accident prevention such as situation analysis, planning, implementation by meeting, discussion, license training and campaign about traffic accident prevention make local authority gain knowledge, attitude, belief, intention and practice for safety. Therefore, it necessary to information, education and communication for situation analysis, planning and implementation by participation with all local authority made them know their problem, their need and how to meet their

requirement. The same study by Carmine, Benedicto, and Carlos (2009) showed that the adapted Think First was systematically implemented and its impact measured for the first time in Brazil, revealing the usefulness of the program for reducing trauma and TBI severity in traffic accidents through public education and representing a standardized model of implementation in a developing country. Apart from confirming Torbjørn Rundmo and Andrew R. (2003) study Managers' attitudes towards safety and accident prevention, the study shows that safety attitudes *may* be an important causal factor for managers' behavioral intentions as well as behavioral High management commitment, low fatalism, high safety priority, and high risk awareness seemed to be particularly important attitudes for managers.

6. Conclusion

This study used participatory action research to study situation analysis and enhance potential development of local authority for traffic accident prevention and implementation for traffic accident prevention in Itui sub-district administrative organization, Thailand. The results revealed that statistically significant differences ($p < 0.001$) in stakeholders. This study recommends that capacity building for local authority by starting with situation analysis, planning together and participatory implementation relevance with real problem and real need of communities is the important and necessary to increasing activities for traffic accident prevention and decreasing number of injuries.

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Part Three
Diplomatic Relations



Security Threats and Diplomatic Relations Between South Sudan and Sudan

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Abstract. This study assessed the effect of Security Threats on Diplomatic Relations between South Sudan and Sudan. The specific objectives that guided the study include: (i) to examine the effects of border violations between South Sudan and Sudan, (ii) to analyse the effect of ethnic conflicts between South Sudan and Sudan, (iii) to establish how cattle rustling affects relations between South Sudan and Sudan, (iv) to examine how the land question affects relations between South Sudan and Sudan and (v) to examine how oil sharing affects relations between South Sudan and Sudan. Using a cross-sectional design, the study took a sample size of 140 respondents who answered the questionnaires and interviews. The findings revealed that border violations is high with an average mean of 3.25; ethnic conflict is also high with an average mean of 3.27; cattle rustling (mean=2.85); Oil sharing having a high effect on diplomatic relations (mean=3.21) and the land question (3.32) also affecting diplomatic relations between the two countries. In conclusion, all the five areas investigated have grossly affected diplomatic relations between the two countries. It is recommended that sustainable security promotion between South Sudan and Sudan should be a comprehensive and coherent approach against security threats to diplomacy which should be implemented by both countries. Policies geared towards strengthening diplomatic relations for both countries such as disarming the communities, surveying of borders need to be done by both governments.

Keywords: Minimizing Security Threats as Mechanisms of Boosting Diplomatic Relations

1. Introduction

The border region between Sudan and South Sudan contains some of the two countries' most fertile land. Much of the border lies between the ninth and tenth parallels, just below the dunes and stabilized sand sheets. Supplies of gum arabic, wood for charcoal, and a variety of precious stones and minerals are also found along the border. The security threat is considered in its broadest sense and concerns state security which endangers security of persons, institutions, properties and national territory. National security also includes other areas, such as, human security, social security, as well as environmental, (Johnson, 2010b).

In 1954, an agreement was signed that provided for self-determination and self-governance

for Sudan on 1 January 1956 after more than fifty-five years of colonization by the British. The British had ruled Sudan divided in an Arab North and African South until 1946, when it decided to reverse this policy and unite the country. Nevertheless deep disparities remained. When the government in Khartoum renounced promises to establish a federal system in 1954, it led to mutiny of Southern army officers in Torit in Eastern Equatoria. On 18 August of that year, just months before Sudan was to declare independence, a locally-recruited unit of soldiers called the Equatoria Corps rose against the immanent government in Khartoum (Schomerus & Allen, 2010). Several groups emerged and gradually developed in the Anya Nya movement that spread from the Equatorial to Upper Nile and Bahr el Ghazal. The war lasted seventeen years until the 1972 Addis Ababa Agreement, which provided some autonomy for the South in exchange for the rebels laying down their arms.

Despite the constant movements of the war, when the criterion for evaluating the border between the two countries was being decided in 2005, the SPLM insisted the border should be the provincial boundary of the southern provinces as it existed on 1 January 1956, the date of Sudan's Independence. This date provides a historical datum to which future disputes about the border can be referred. Unfortunately, the provincial boundaries of 1956, to the extent they existed, were not well recorded by the Anglo-Egyptian Condominium government (Johnson 2010b). The most valuable resource along the border is land, for agriculture and grazing. While there is oil in the borderlands, none of the contested areas contain oil, with the notable exceptions of Diffra in Abyei, and Hejlj on the Unity South Kordofan border. In the cases of Diffra and Hejlj, the sense of historical entitlement to these areas, on the part of the Ngok and Rueng Dinka, is just an important motivating force for South Sudan in its territorial claims (Iyob & Khadiagala, 2006).

The clashes between the Arab-run state and the peripheries are rooted in marginalization in the economic development process and exclusion from power structures (Jok & Hutchinson, 1999). Dissatisfaction in the south persisted and the increased autonomy of the South was again limited. In response to the abolition of the federal structure a rebel movement was formed in 1978 known as Anya Nya II, and started attacks from Ethiopia from 1980 onwards. Then in 1983 Colonel Gafaar Nimeiry, who had taken power in Khartoum through a coup d'état in 1969, instituted the Shari'a Islamic law in the whole country, including the South. This proved to be the final drop for the predominantly Christian South, which felt more and more oppressed by the predominantly Islamic North. After mutiny of a group of Southern soldiers in Bor and Pibor, John Garang was sent to deal with the problem, but he joined the Anya Nya II movement and formed the Sudan People's Liberation Army/Movement (SPLA/M), marking the beginning of the second Sudanese civil war. Soon thereafter, conflict grew between the SPLA and Anya Nya II and the latter joined the government.

The two countries' relations have been measured in terms of military action and diplomatic agreements such as treaties and conventions. However, this was criticized by some as an attempt to bring the south under SPLA – that is, Dinka – control. In the early 1980s Equatorians supported the expulsion of Dinka and other Nilotic peoples from their region and, in response, a belief developed in SPLA ranks that Equatorians had never truly 'supported the struggle' (Schomerus, 2008). SPLA-commanders Riek Machar (Nuer), Lam Akol (Shilluk) and Gordon Kong (Nuer) attempted a coup against Garang in 1991.

The leaders of South Sudan were of the view of uniting a secular and democratically new Sudan while others advocated a politically independent South Sudan. This resulted into the

break away with the SPLA- faction after a failed coup and the militia attacked the Bor - Dinka home territory in 1991. More than 100,000 people (almost all civilians) were estimated to have been killed in this attack and the victorious Nuer looted and took cattle with them back North. This is one of the most raw and still persistent wounds in the South (and in Jonglei in particular) and still affects the relations between Dinka and Nuer to - date (Young, 2006).

On January 2005, with much international pressure, the Comprehensive Peace Agreement (CPA) was signed in Nairobi, formally ending war between North and South. The CPA started a six year interim period which contained the possibility for an independent South through a referendum in 2011. During the 6 year period the South gained a large degree of autonomy and the country was ruled by a Government of National Unity consisting of the GoS and the Government of South Sudan (GoSS). The referendum started on 9 January in 2011, and the official results released on 8 February showed that 98.83% (per cent) voted for independence (SSRC & SSRB, 2011). Creating a unified South proves difficult, as there is little trust between various groups within the South. Several 'private armies' within the SPLA remain loyal to their commanders whose authority trumps regular chain of command, and reportedly as little as 30 per cent of the SPLA is under control of the SPLA command (Mc Evoy & LeBrun, 2010). Furthermore, tensions remain high as fighting between the North and the South in Abyei, as well as between different tribes in the South as exemplified by the recent violence in Jonglei.

2. Objectives of the Study

The general objective of this study was to investigate the effect of security threats on diplomatic relations between South Sudan and Sudan. Specifically, the study sought to:

- (i) To examine the effects of border violations on diplomatic relations between South Sudan and Sudan.
- (ii) To analyse the effect of ethnic conflicts on diplomatic relations between South Sudan and Sudan.
- (iii) To establish the effect of cattle rustling on diplomatic relations between South Sudan and Sudan.
- (iv) To examine how oil sharing affects diplomatic relationships between South Sudan and Sudan.
- (v) To examine the effect of land question on diplomatic relations between South Sudan and Sudan.

3. Literature Review

The possibility of conflict is based upon the assumption that the parties involved are capable of perceiving themselves as separate from another and therefore not able to distinguish between harm done to themselves (Caney 2000). It would be impossible for conflict to occur between parties if there was no 'between' to speak of. Contemporary cosmopolitan conceptions of justice and the mitigation of conflict are based largely on reducing this divide and forging a shared identity based on identification of self with the other (Caney 2000). A number of civil society groups have latched onto this concept, including Doctors without Borders, Reporters without Borders, and now even Clowns without Borders. These organizations are based on a conception of a common right of humans to healthcare,

information and laughter respectively. These factors are based on the commonality of these aspects of identity found between individuals, often asserted through discourses of human rights.

Security threats are often treated as a common sense term that can be understood by "unacknowledged consensus". The content of international security has expanded over the years. Today it covers a variety of interconnected issues in the world that have an impact on survival. It ranges from the traditional or conventional modes of military power, the causes and consequences of war between states, economic strength, to ethnic, religious and ideological conflicts, trade and economic conflicts, energy supplies, science and technology, food, as well as threats to human security and the stability of states from environmental degradation, infectious diseases, climate change and the activities of non-state actors (Kolodziej, 2005). In this context the outbreak of fighting in South Sudan, the wars began to merge geographically in its Unity state. As rebels from Sudan joined the fight on Juba's side, it rapidly became a main theatre, characterized by protracted conflict over major towns and oil installations, mass atrocities and the confluence of multiple armed groups operating with their own agendas. The dividing line in Unity is primarily between Nuer groups, but additional dimensions, including Dinkas have created new divisions and calls for revenge.

Due to the limited resources and income generating livelihoods most residents of Jonglei live semi-nomadic life styles, herding cattle in concert with seasonal changes to the environment. With limited access to water and competing rights to land, inter-tribal conflict arises when pastoralists from one tribe enter the territory of another (Leff 2012). Conflicts between farmers and cattle-keepers are a recurring problem towards the end of dry season, when cattle are taken to graze on planted fields. Clashes are also reported at water sources, where cattle-keepers and fishermen compete for the best spots. Worsening droughts are forcing inhabitants of South Sudan to expand their geographic range at the expense of the environment.

Cattle raiding in Jonglei takes place against the back drop of a complex political environment. In the midst of the second Sudanese Civil War, Dr. Riek Macher and his Lou Nuer allies, revolted against Dr. John Garang's SPLM/A and formed a splinter group - the South Sudan Defence Force. During the late 1990 Dr. Macher was backed by the government of Sudan, but eventually rejoined the SPLM/A and rebranded his militia as the Sudanese People's Democratic Forces (Mc Evoy & LeBrun, 2010). Although Dr. Macher as an individual was reconciled with the political elite in Juba, the Lou Nuer's treachery provides a strong political motivation for conflict between Jonglei's tribal communities.

The origins of the current pattern of violence associated with pastoral migration and tribal militia in Jonglei can be pin pointed to a coercive disarmament campaign conducted by the SPLA between December 2005 and May 2006 (Mc Evoy & LeBrun, 2010). The campaign was initiated at the request of Dinka communities that host Lou Nuer cattle herders during the dry season (SAS, 2007). The Lou does not have sufficient grazing lands and water within their own territory during the dry season and as a result must move their cattle into the lands of their neighbours. The Nuer refused, arguing that the campaign would affect them unequally in comparison to the other tribes in Jonglie, and that they required their weapons to defend themselves against the Murle tribe. Negotiations broke down and the Lou Nuer's White Army militia and the SPLA engaged in skirmishes that escalated to major battles. When violence ceased in May 2006 3,300 weapons had been confiscated by the SPLA, but 1,200 members of the White Army and 400 members of the SPLA were killed in the process (SAS, 2007).

The Land Question (LQ) was one of the core issues behind the protracted war between the Government of Sudan (GOS) and the Sudanese People's Liberation Movement/Army (SPLM/A) in the southern regions of the country. According to the GOS, all land in the

country belonged to the state whereas the SPLM/A's position was that all land in 'New Sudan' belonged to the community, while the state was 'a custodian of the land'. The ground realities reflected this contradiction in the country when the two parties sat down in May 2002 to negotiate a peace deal. According to existing land legislation in Sudan, more than 90 percent of the country's land belonged to the state but in reality customary (communal) types of tenure were in practice in many parts of the country. Members of the community had individual rights to land for housing and farming, though these rights had a gender bias as women could access land only through their fathers and husbands. There were, thus, two parallel systems of land rights in Sudan the legal statutory system and the indigenous system of tenure based on customary rights. The former served the bigger rural entrepreneurs, urban dwellers, foreign investors and elite groups to obtain land through secure leaseholds, while a large majority of land users depended on the latter, which was unable to ensure formal security of tenure. However, customary rights continued to enjoy legitimacy among the rural people of diverse ethnic groups and sub-groups in different parts of Sudan (Pantuliano, 2007).

4. Methodology

A descriptive and cross-sectional survey designs were adopted to guide the process of data collection and analysis. Data was collected using questionnaires and interview guides from the 140 respondents identified with the aid of Slovens formula using simple random sampling technique. Data analysis was done using means and standard deviations so as to establish the scales of responses as well as the extent to which the responses are closer or differ apart from one another.

5. Results and Discussion

5.1 EFFECTS OF BORDER VIOLATIONS ON DIPLOMATIC RELATIONS BETWEEN SOUTH SUDAN AND SUDAN

Table 1: Effect of Border Violation on Diplomatic Relations (n=140)

Issues	Mean	Std. Deviation	Rank	Interpretation
There is continued security alert on the borders of the countries	3.6286	.55416	1	Very high
The high border tension retards trade between the two countries	3.4929	.78196	2	Very high
There is international condemnation of the two countries over violations of border security	3.4429	.74207	3	Very high
The border areas are more volatile than never before	3.2214	.62407	4	High
The relationship between the two countries is worse than before	3.0714	.89477	5	High
Illegal demarcation between two countries	2.6786	.98381	6	High
Average Mean	3.2560	0.76347		High

Source: Field Data, 2015

From Table 1 the following analysis is made. The item/ issue of continued security alert on the borders of the countries ranked first (mean=3.6286, std dev= .55416), interpreted as very high. The statistics for high border tension retards trade between the two countries (mean= 3.4929, std dev=.78196); it was ranked second and interpreted very high. The statistics for the query concerning international condemnation of the two countries over violations of border security (mean=3.4429, std dev=.74207) was also revealed to be very high.

The findings further indicate that border areas are more volatile than never before with the results indicating (mean= 3.2214, std dev= .62407) the relationship between the South Sudan and Sudan is worse than before (mean=3.0714 std dev=.89477) and there is illegal detention of the two countries' citizens along the borders by both countries (mean=2.6786, std dev=.98381) were ranked fourth, fifth and sixth all interpreted high. The average mean of (3.2560) interpreted as high further testify the fact that border violations greatly affect diplomatic relations between the two countries.

One mediator interviewed from the UN noted that:

It is neither the peace agreement that ended Sudan's second civil war (1983-2005) nor South Sudan's 2011 independence brought stability. A difficult divorce that included a border conflict, an oil shutdown, then brief cooperation, has been followed since December 2013 by a new phase of civil war in South Sudan in which tension between the two countries is increasingly emerging. The regional organizations that sought to mediate have been unsuccessful, in part because members have competing interests, while outside powers do not invest sufficiently in conflict resolution.

5.2 THE EFFECT OF ETHNIC CONFLICTS ON DIPLOMATIC RELATIONS BETWEEN SOUTH SUDAN AND SUDAN

Table 2: The Effect of Ethnic Conflict on Diplomatic Relations between South Sudan and Sudan (n=140)

Issues	Mean	Std. Dev	Rank	Interpretation
There has been loss of properties among the people in the two countries' borders	3.4857	.61732	1	Very high
Many lives have been lost in the ethnic conflicts	3.4429	.55323	2	Very high
There has been continuous displacement of people in the border areas	3.3857	.73539	3	Very high
The conflicts have led to polarization of the borders between South Sudan and Sudan	3.3357	.59507	4	Very high
Ethnic conflicts have affected oil extraction in the two countries' borders	3.1071	.70656	5	High
Border movement has been hardened	2.8643	.77004	6	High
Average Mean	3.27023	0.66294		Very high

Source: Field Data, 2015

Table 2 indicate that there has been loss of properties among the people in the two countries' borders (mean= 3.4857, std devn=.61732); many lives have been lost in the ethnic conflicts (mean=3.4429, std devn=.55323) and there has been continuous displacement of people in the border areas (mean=3.3857, std dev= .73539) were ranked first, second and third , and all interpreted very high. The last three questions; the conflicts have led to polarization of the borders between South Sudan and Sudan (mean =3.3357, std devn=.59507), ethnic conflicts have affected oil extraction in the two countries' borders (mean= 3.1071, std dev=.70656) and border movement has been hardened by the ethnic conflicts in the two countries (mean=2.8643, std dev=.77004) were ranked fourth, fifth and sixth and interpreted high. The average statistics (mean=3.27023, std dev=0.66294) are interpreted as being very high as well. This was further evidenced by one legislator (Member of Parliament) who had this to say:

The growing political tensions among key leaders in South Sudan erupted in violence, just three years after the country gained independence from Sudan in an internationally supported public referendum. While the political dispute that triggered this crisis was not clearly based on ethnic identity, it overlapped with preexisting ethnic and political grievances that sparked armed clashes and targeted ethnic killings in the capital, Juba, and then beyond. The fighting, which has occurred between forces loyal to President Salva Kiir and forces loyal to former Vice President Riek Machar, and among armed civilians, has caused security and humanitarian emergency that may be drawing the world's newest country into another civil war.

The United Nations special envoy to South Sudan noted that:

More than 200,000 civilians have been internally displaced by the violence, including more than 60,000 who have sought refuge at U.N. peacekeeping bases. As many as 40,000 people have fled to neighboring countries. By U.N. estimates, thousands have been killed, and U.N. officials indicate that targeted attacks against civilians and U.N. personnel may constitute war crimes or crimes against humanity. The U.N. Security Council unanimously authorized a substantial increase in peacekeeping forces for the U.N. Mission in the Republic of South Sudan (UNMISS) through Resolution 2132 (2013). In prior remarks, the U.S. Permanent Representative to the United Nations had stressed the urgency of the situation, noting the possibility of "imminent confrontations at U.N. bases where civilians are gathered.

This means that most respondents strongly agreed to the questions asked, hence making deductions that there is very high negative effect of ethnic conflict on diplomatic relations between South Sudan and Sudan.

5.3 THE EFFECT OF CATTLE RUSTLING ON DIPLOMATIC RELATIONS BETWEEN SOUTH SUDAN AND SUDAN

Table 3: How Cattle Rustling affects Diplomatic Relations between South Sudan and Sudan (n=140)

Issues	Mean	Std. Dev	Rank	Interpretation
There is continuous accusation of attacks amongst the two countries due to cattle rustling	3.1143	.90630	1	High
The relationship between the two countries is worse than before	3.0714	.89477	2	High
Cattle rustling threatens effective utilization of shared resources among South Sudan and Sudan	2.9143	.82659	3	High
Many people have been killed in the process of cattle rustling in the two countries	2.8500	.77668	4	High
Cattle rustlers have worsened security threats among the two countries	2.7000	.87079	5	High
The two countries have continuously deployed in the cattle rustling borders	2.6786	.93891	6	High
Huge herds of cattle have been stolen by either side of the countries and this breeds discontent among the countries	2.6286	.79877	7	High
Average Mean	2.85103	0.85897		High

Source: Field Data, 2015

Table 3 indicates that cattle rustling affect diplomatic relations between South Sudan and Sudan. The questions; there is continuous accusation of attacks among the two countries due to cattle rustling (mean = 3.1143, std dev=.90630), relationship between the two countries is worse than before (mean=3.0714, std dev=.89477), Cattle raid threatens effective utilization of shared resources among South Sudan and Sudan (mean= 2.9143, std dev=.82659), many people have been killed in the process of cattle rustling in the two countries (mean= 2.8500 ,std dev=.77668) all interpreted as high. It was noted that after the 2012 shutdown, oil production in South Sudan restarted in April 2013, following revenue sharing negotiations between Juba and Khartoum. Exports resumed in June 2013. The country's active oil fields are located in Unity and Upper Nile States, which have been among the areas worst affected by the current fighting. Prior to the 2012 shutdown, South Sudan produced an estimated 350,000 barrels per day (bpd), accounting for 98% of government revenues, although by many accounts oil revenue has been a major source for state corruption. Damage to some of the fields, which had occurred during the shutdown process in January 2012 or during subsequent air strikes, was expected to delay a return to pre-shutdown levels until at least mid-2014. Experts warned that future shutdowns, particularly if they were to last more than six months, might cause lasting damage.

The findings show that Cattle rustlers have worsened security threats among the two countries (mean=2.7000 , std dev=.87079), and huge herds of cattle have been stolen by

either side of the countries and this breeds discontent among the countries (mean=2.6286, std dev=.79877). The average statistic (mean =2.85103, std dev=0.85897) depict that most respondents agreed to the questions asked hence cattle wrestling highly affects the diplomatic relations between South Sudan and Sudan.

5.4 HOW OIL SHARING AFFECTS DIPLOMATIC RELATIONSHIPS BETWEEN SOUTH SUDAN AND SUDAN

Table 4: Effect of oil sharing on diplomatic relations between South Sudan and Sudan (n=140)

Issues	Mean	Std. Dev	Rank	Interpretation
Many lives have been lost in the oil rich areas	3.4429	.55323	1	Very high
The issue of oil sharing have led to territorial conflicts along the borders of the two countries	3.3357	.59507	2	Very high
The two countries have failed to mutually agree on how to share proceeds from the oil rich areas	2.8643	.77004	3	High
Overall mean	3.2143	0.63945		High

Source: Field Data, 2015

Table 4 Suggests that it is very true that, many lives have been lost in the oil rich areas (mean= 3.4429, std dev =.55323) and it is also very true that oil sharing have led to territorial conflicts along the borders of the two countries (mean= 3.335, std dev =.59507). Findings further suggest that the two countries have failed to mutually agree on how to share proceeds from the oil rich areas (mean= 2.8643, std dev=.77004). The average statistic (mean= 3.2143, 0.63945), further portray that oil sharing affects diplomatic relationships between South Sudan and Sudan at a high level.

One director of security in South Sudan noted that:

Machar's forces have sought to control the fields in the current fighting, likely to gain leverage for negotiations. The fields in Upper Nile and Unity represent 80% and 20% of production, respectively. Amid the hostilities, Sudanese officials report that production averaging 200,000 bpd has continued in Upper Nile, while fields in Unity, which were producing some 45,000 bpd before the fighting started, were shut down when oil workers evacuated. Sudan, which has denied involvement in the crisis, has offered technical support to the Kiir government to maintain production. Initial reports that Sudan might send troops for a joint force to protect the oil fields have been subsequently denied.

5.5 THE EFFECT OF LAND QUESTION ON DIPLOMATIC RELATIONS BETWEEN SOUTH SUDAN AND SUDAN

Table 5: How the land question affects Diplomatic Relations between South Sudan and Sudan (n=140)

Issues	Mean	Std devn	Rank	Interpretation
There has been loss of lives and properties as a result of land conflicts among the two countries	3.4857	.61732	1	Very high
There has been continuous displacement of people in the border areas as a result of land wrangles	3.3857	.73539	2	Very high
There is no defined territory of the two countries' border lines separating each other	3.1071	.70656	3	High
Average Mean	3.32617	0.68642		Very high

Source: Primary Data, 2015

Table 5 suggests very high means for the first two items/ questions. There has been loss of lives and properties as a result of land conflicts among the two countries (mean= 3.4857, std devn= .61732), there has been continuous displacement of people in the border areas as a result of land wrangles (mean= 3.3857, std dev =0.73539). The third item of no defined territory of the two countries' border lines separating each other (mean = 3.1071, std dev=.70656) was ranked high. The average statistic (mean = 3.32617, std dev = 0.68642) further indicate how the land question negatively impacts on diplomatic relations between the two countries.

A team of border security officers had this to say:

In most parts of the South, the government in Khartoum was unable to enforce the statist land legislation due to the protracted armed conflict, and communal tenure was being practiced without interruption in the areas controlled by the SPLM/A. Communal tenure in those areas was being enforced by socially embedded local institutions which were recognized by the SPLM/A and with which it collaborated through its newly created, rather rudimentary, local organs of the Civil Authority of New Sudan (CANS). The conflict in South Sudan has a long and complex history and multiple causes.

This was supported as there is no defined territory of separating oil extraction in the two countries' borders as indicated by the data interpreted as very high thus land questions affects diplomatic relations between South Sudan and Sudan.

6. Conclusion

All the five areas investigated in this study have effect on diplomatic relations between the two countries. The issue of border violations remains high and is a recipe for distorting their diplomatic relations and if not well addressed will have more adverse effects on the youngest nation of the world. Ethnic conflicts not only affect diplomatic relations between the two countries but internally as a matter of fact has grossly undermined the ability of the

young nation to appreciate and sustain their independence from Sudan the mainland. Though cattle rustling is also a challenge, the critical factors within the two countries revolves on how best they can mutually handle the land question as well as drafting practical solutions to the problem of oil sharing within the Unity and Upper Nile States. Without a critical attention given to all the above five areas, peace and harmony within and amongst the two countries will remain volatile.

7. Recommendations

Sustainable security promotion between South Sudan and Sudan should come up with a comprehensive approach of disarmament among the communities who use such weapons in engaging into warfare. However, South Sudan as a new nation lacks the capacity to adequately deal with the security problems at hand and the need to extend a number of battalions in different borders between South Sudan and Sudan. As such regional bodies with the help of International Organizations such as the United Nations Organizations and African Union need to devote attention on how to devise workable solutions amongst the two countries.

Security provision in both Sudan and South Sudan should be highly centralized, and mainly directed from Juba. This is a rational choice when favoring stability of the state over insecurity at the grassroots level and also SPLA should professionalize and train its officers to read and write. It is furthermore of essence that a culture is created in which information of deployed troops flow back to Juba while maintaining and respecting the command structure.

The Governments of both countries should adopt and implement measures within their national legal frameworks (which should be in tandem with regional and international standards) aimed at ensuring that the security agencies of both countries cooperate and share information and alerting on the problem of livestock theft between South Sudan and Sudan.

The two states should work out a disarmament process where and communities should serve as the means to enhance security and not be seen as an end in itself. Attempting to register the weapons in civilian hands seems currently not a solution. As such the pride of warfare will be reduced as long as weapons that make parties go into war are eliminated. To achieve this security personnel from both countries need to collaborate and stop illegal sell of ammunitions by either citizens.

Peace-building programs and conflict resolution initiatives should be undertaken by the Government of both countries and the civil society, both at the grassroots and national level to raise awareness on the adverse effects of conflict by bringing the combatant communities together so that they may develop a deeper understanding and appreciation of each other.

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An Assessment of Chinese Involvement in African Economy

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Abstract. Africa is the most resource laden continent with every available primary produce required as raw materials for industrial production. The continent accounted for more than ten (10) million out of the eighty-four (84) million barrels of global crude oil production per day in 2005. Most of the oil produced in Africa are light, sweet, and highly profitable crude mainly offshore. Eighty-five percent (85%) of the recently discovered world reserves found between the year 2001 and 2004 are in the coast of west and central Africa.

China wants Africa to support its policy of one china state. The symbol of China African links was the construction of the Tanzania/Zambia railways built by over fifty thousand Chinese nationals in the southern part of Africa in 1960.

The main purpose of china extension was not only to increase Chinese foreign aids and assistance to Africa but also to make profit and cushion the effects on her internal domestic demand which Chinese available resources could not easily cope with. With her increasing population, China requires additional resource input and market in order to break even and avoid internal domestic crises. Chinese foreign direct investments which increases yearly and at present exceeds over one billion dollars concentrated in mining, infrastructures and construction.

In terms of trade, china trade volume in Africa grew from ten (10) billion in 2000 to thirty-nine (39) billion in 2005, thereby making her the third largest trader with Africa, after the United States and France. Although, Japan, United States, Hong Kong, Taiwan, and South Korea were her major traditional trading partners. Nigeria, South Africa, Sudan, and Zimbabwe are increasingly securing Chinese market attention in Africa.

1. Introduction

The People's Republic of China formally came into existence in 1949 with the declaration of the Peoples Democratic Dictatorship by Chairman Mao Zedong. With its capital in Beijing, the new State was made up of four distinct coalitions of people namely; the workers, the peasants, the petite bourgeoisie and the capitalists. The new state was led by the Central Communist Party (CPP) made up of 4.5million members, most of who are of

peasant origin, with Chairman Mao and others, including Zhou Enlai as the leader of the Party.

The communist China was immediately recognized by the defunct Soviet Union on 2nd Oct 1949 as the new State, proclaimed socialist/Marxist ideology which attracted her as an independent State to the Soviet bloc. In February 1960 after months of hard bargaining, China signed a treaty of friendship with the Soviet Union and form an alliance of mutual assistance basically intended to Counter Japan or any other powers (aggressors) that may be planning to foment trouble against the new state.

From inception, however, China's Foreign Policy was hinged on the need to promote independence, freedom and territorial integrity in her relations with other states. The policy supports world peace, friendly cooperation with people of other countries and opposes imperialist policies of aggression and war. The constitution of the Peoples Republic of China revised during the first plenary session or the Eight National Peoples Congress stipulates "China would adhere to an independent foreign policies as well as to the live principles of mutual respect for sovereignty, territorial integrity, equality mutual non-aggression and non- interference in each others internal affairs and peaceful co-existence in developing diplomatic relations, economics and cultural exchanges with other countries"

Consistent with these principles, however, the Peoples Republic of China has continuously opposed imperialism, colonialism and hegemonies and work to strengthen unity and mutual understanding between China and the peoples of other countries. The Chinese authorities support the oppressed nations especially of the developing countries in their struggle to win and preserve national independence, develop their national economies and safeguard world peace while promoting-human dignity and progress.

2. China joins the WTO to spend the transition to the market, 1999-2000

In the early 1990s, china had largely completed the process of putting in place a market system in agriculture, domestic commerce, and for its small and medium scale township and village industrial enterprises. But the large state-owned enterprises that dominated such sectors as steel, machinery, and automobiles resisted the changes required by a market system. They continued to fight for easy credit from the banking system, and when that was not available, they simply stopped paying their suppliers. The government they assumed, always would bail them out because the government was afraid of the political consequences of the rising unemployment that would occur if these enterprises stopped production and laid off workers. As long as the state-owned industrial enterprises remain unreformed, it also was difficult to make the banks behave the way they should in a market system.

In 1997 and 1998, however, the government began to push hard to reform the state-owned enterprises and the banks. Redundant workers began to be laid off and the unemployed in the cities rose to over 20 million workers. To further emphasize how serious they were, Premier Zhu Rongji, on a trip to the United States in 1999, announced that he was willing to open up the Chinese economy to foreign competition to an unprecedented degree. His immediate purpose was to conclude a trade agreement with the United States that would allow China to become a member of the world trade organization (WTO). The magnitude of the concessions that China said it would agree to, however, made it clear that China's goals had as much to do with its own domestic reforms as it did with its desire for membership in

the WTO. Foreign competition for the banks as well as such industries as automobiles was to be the vehicle for forcing these sectors to reform.

All manner of protection for these industries and financial institutions was to be abolished or sharply reduced, and foreign ownership was to be allowed in many financial sectors where previously it had not been allowed. The European Union agreed to a similar list of concessions in May 2000, and the way was paved for Chinese WTO membership and a wave of competitive pressures that would assist China to complete its transition to a market economy.

3. Theoretical Framework

The Chinese may be a highly educated, trained, and skilled person or he may be an illiterate person possessing high business acumen which others might be lacking. But he possesses the following qualities:

- (i) He is energetic, resourceful, alert to new opportunities, able to adjust to changing conditions and willing to assume the risks in change and expansion.
- (ii) He introduces technological changes and improves the quality of his product; and
- (iii) He expands the scale of operations and undertakes allied pursuits, and reinvests his profits.

According to Fritz Redlich, (2005) the role of the Chinese can be divided into the capitalist, the manager, and the entrepreneur thus the entrepreneur supplies funds and other resources, supervises and coordinates productive resources and plans, innovates and takes ultimate decisions.

As pointed out by Hagen, villagers and elite alike revere the same economic roles and spurn trade and business, and there is a feeling of repugnance toward work that soils one's hand in such economies. Thus, "the value system minimizes the importance of economic incentives, material rewards, independence and rational calculation. It inhibits the development and acceptance of new ideas and objectives... In short, the cultural value system within many poor countries is not favourable to economic achievement".

Professor Hanry Wallich, 2005 opines that "one can hardly say that in less developed countries innovations is its most characteristic features. The process is better described perhaps as one of assimilation. No one would deny, of course, that to organize a new industry in a less developed country is an art of entrepreneurial initiative. But it is evidently very different from the original process of innovation".

According to world, special assessments have had their widest application in the United States. In view of the fact that they are specially designed for financing such development projects as irrigation works, flood control system and certain classes of roads, all of which are extremely important for underdeveloped countries".

Economists' debates on balanced and unbalanced growth predate much of the quantitative work on patterns of development. Balance-growth advocates such as Ragnar Raganr Nurkse, (1953) or Paul Resenstein-Robin (1943) argue that countries have to develop a wide range of industries simultaneously if they are ever to succeed in achieving sustained growth. Proponents of unbalanced growth, especially Albert Hirschman, (1958) recognize

these differences and use them to suggest a very different pattern of industrial development. Nations, they say, could and did concentrate their energies on a few sectors during the early stages of development. In most cases, there was little danger of producing more shoes than could be sold.

4. China/African Relations

For three decades, China's foreign policy was never to attack another country first, but to react and counter- attack only if another country attacks her vowed never to use nuclear weapons, proclaiming itself to be a struggling third world country with no super power capabilities or ambitions.

Consequently in 1995, while addressing the South Korea parliament, the Chinese President Jiang Zemin indicated that "To-allege that a stronger China would pose a threat to other countries is groundless. China would never, take part in arms race, never engage in expansion, and never seek hegemony"

Since inception in 1949, the various successive Chinese leaders have attached importance to the bilateral relations between China and Africa and have worked assiduously on series of principles and policies for the development of Sino - African relations. Although the Chinese President did not visit Africa until sometimes in 1996, while in the African continent, the Chinese President put forward five point proposals for establishing stable Sino-African relations built on sincere friendship, equality, unity and cooperation. In June 2003, President Hu Jintao further cement this relation by stressing the importance the Chinese government placed on efforts to shape new Sino-African relations based on stability, equality, and mutual benefits. Since then, the Chinese tempo of friendship with Africa has increased tremendously and this can be aptly summarized under the following categories. China;

- (i) Adherence to the principles of peaceful coexistence, respect for African choice in political system, non - interference in internal affairs of African countries;
- (ii) Support efforts to safeguard independence, sovereignty and territorial integrity and maintenance of stability, unity, and promotion of African infrastructures;
- (iii) Cooperates and supports African organizations including African Union, NEPAD, and sub - regional organizations;
- (iv) strengthen long term, stable political relationship with Africa, with specific emphasis on friendship, mutual trust and cooperation and promotion of exchange of officials visit by leaders:
- (v) provides economic assistance devoid of strings or usual conditionality attached by the west and take positive measures to increase economic benefit of the China aid projects in Africa.
- (vi) Consistent in calling on the International Community to intensify efforts on issues of African Peace and development, with special attention on investment, debt reduction and conducive trade policy through open market;
- (vii) Strengthen cooperation on safeguarding legal rights, establishment of a mutually understood and acceptable democratic environment laid with a fair and just political and economic order.

5. China and African Economy

Africa is the most resource laden continent with every available primary produce required as raw materials [or industrial production. The Continent accounted for more than ten (10) million out of the eighty- four (84) million barrels of global crude oil production per day in 2005. Most of the-oil produced in Africa are light, sweet, and highly profitable crude mainly offshore. Eighty five per cent (85%) of the recently discovered world oil reserves found between the year 2001 and 2004 are in the coast of west and central Africa.

Before 1990, China's African policy was purely political. The Peoples Republic of China basically promotes pragmatic foreign policy based on anti-colonial and post- colonial solidarity. China believes in giving aid without strings attached to developing countries to influence support for its ideological beliefs. The country expects in return, recognition of the right of China to exist, like any other country, as an indivisible entity. China wants Africa to support its policy of one China State. The symbol of China African links was the construction of the Tanzania / Zambia railways built by over fifty thousand Chinese Nationals in the southern part of Africa in 1960.

Since 1990s, however, Chinese involvement in Africa has extended from political to economy. The main purpose of the extension was not only to increase Chinese foreign aids and assistance to Africa but also to make profit and cushion the effects on her internal domestic demand which Chinese available resources could not easily cope with. With its increasing population, China requires additional resource input and market in order to break even and avoid internal domestic crises. Consequently, by the year 2005, there were over seven hundred and fifty Chinese companies doing business in Africa and making profits which are freely repatriated. Even though, at present, the volume of Chinese investments in Africa forms a tiny part of foreign direct investment in Africa, when compared with Europe and the United States, Chinese foreign direct investments which increases yearly at and present exceeds over one billion dollars concentrated in mining, infrastructures and construction.

In terms of trade, China trade volume in Africa grew from ten (10) billion in 2000 to thirty nine (39) billion in 2005 thereby making her the third largest trader with Africa, after the United States and France. Although Japan, United States, Hong Kong, Taiwan and South Korea were her traditional trading partners, Nigeria, South Africa, Sudan and Zimbabwe are increasingly securing Chinese market attention in Africa.

China's major export commodities include, chemicals, electronic components, textile, machinery, computers, household consumables, while it imports crude oil, solid minerals, plastics, and agricultural products. The country also supplies a variety of consumer items including pharmaceuticals and medical equipments. At present, some countries including Nigeria and Zimbabwe even procure military hardware from China. For example in 2003, Nigeria procured fifteen (15) F-7NI multi purpose combat trainers aircraft from China. Chinese global trade volume reached 1.4trillion dollars in 2005 while her trade with Africa stood at 39.5 billion dollars. Her trade volume with Nigeria alone was 2.9 billion dollars as at 2006, up from one hundred and seventy eight (178m) million dollars in 1996.

China also invested in Sudan where it bought five per cent of Sudan oil products in 2005. This accounts for five per cent of China's oil need. In the publicized bidding for oil blocks in Nigeria, China National Oversea Oil Company Ltd. (CNOOC) won a forty- five (45%)

per cent stake in OPL 246 worth over 2.7 billion dollars in the Nigeria offshore deep water oil field operated by Total. The bid was the Chinese company biggest overseas investment in recent times. With her success, CNOOC is to pay an adjustment fee of \$424million for financing, operating, and capital expenses on the oil bloc. The Chinese company is to retain seventy per cent of the profit while the. Nigeria National petroleum corporation will have thirty per cent CNOOC is to refund the sum of six hundred million dollars already invested by Total. Oil production on the field may commence this year (2008) reaching a peak of two hundred and twenty five barrels per day by the year 2009.

Furthermore, China also bought a controlling share of the Nigeria's Kaduna refinery. Chinese investors have also agreed to invest \$300billion in the establishment of the new Liquefied Natural Gas plant and storage facilities in the Niger Delta. Meanwhile a Chinese company, petrol China has also concluded an agreement with the Federal government to buy thirty thousand barrels of oil per day from Nigeria. At present China is all Over Africa countries investing billions of dollars in different sectors of African economy including oil, construction, infrastructure, healthcare, defence and other areas of specific and immeasurable importance to Africa.

The importance China attached to its investments in particular and African continent in general necessitated the recent visit of President Hu Jintao to Nigeria and five other African countries where he promised to:

- i. double the Chinese assistance to Africa by 2009;
- ii. provide \$3billion of preferential loans and \$2billion of buyer credits to Africa between 2007 and 2009.
- iii. Set up China/African development fund or five billion to encourage Chinese companies to invest in Africa and provide support to them
- iv. build a conference centre for the African Union to support African countries in their effort to strengthen themselves through unity and support the process of integration;
- v. cancel all interest free government loans that matured by 2005 and owed by the highly indebted poor countries (HIPC) and the Least developed Countries in Africa that have diplomatic relations with China;
- vi. establish three to five Trade and Economic Cooperation Zones in Africa in the next three years and;
- vii. train fifteen thousands African professionals over a period of three years, send one hundred agricultural experts to Africa, set up ten special agricultural technology demonstration centers, build thirty hospitals, and increase the numbers of Chinese government scholarships to African students from the current 2000 per year to 4000 by the year 2020.

6. A Critical Assessment Chinese Involvement in African Economy

The recent involvement of Chinese investors in African economy is indeed a welcomed development. Their participation in the economy would not only provide different variety of the foreign direct investment to the continent but also provide alternatives and different offers from where developing African countries could make a choice. The Chinese aid programme has the tendency of facilitating development and the quality of its manufactured goods provides more satisfaction, when compared with available local products.

More significantly, China's economic comparative model provides an opportunity for economic growth and development without constraints and the usual political encumbrances, such as respect for human rights, installation of democracy or request for political change. Taking into cognition this development, some experts have described the Chinese model as "a liberalized trade and finance with strong state intervention and leadership role in industrial development". The Chinese model presents itself as alternative to the neo-liberal consensus that attached economic development to a stereo-type political ideology. The Chinese aids come without political string and concentrates on investment in infrastructures and human capital rather than primary products. To some economist, this model addresses developmental problems that are not usually solved by market fundamentalism.

Furthermore, the Chinese model reduces brain drain since many Africans resides in the continents rather than going abroad. It would be recalled that one of the evil effect of the World Bank induced Structural adjustment programme was the exodus of million of Africans from their countries to Europe. For example, from 1985-1990 alone, over sixty thousand professionals emigrated from Africa to Europe and other parts of the world. In 2005, between 300,000 and 500,000 Africans including 30,000 PhD holders emigrated from Africa. As at today, roughly 20,000 Africans emigrate to the United States or Europe each year. The brain drain to the West is more severe among Africa's medical workers where out of 800, 000 African trained medical staff, about 23,000 leave for developed countries each year. This development saves European countries such as the United Kingdom between \$340,000 and \$430,000 each year in the cost or training a doctor.

Conversely, more Chinese nationals live in Africa than African in Beijing. As at 2002, about 137,000 Chinese were in Africa, working and trading in Africa. Many of the Chinese workers are paid in local currency a live comfortably with African culture. There are only six hundred Africans in Beijing, most of whom are students on scholarships and are expected to return home in four or five years after the completion of their studies.

With increased trade relations, China and indeed other Asian countries could be of immense benefit to Africa. For instance, China and India alone are future unending market for African goods as well as competitors in the export oriented sector. China, as at today, is increasingly becoming a large consumer of crude oil due to increased home demand for energy. At present; the country is the second Oil consumer after the United States and accounts for about forty per cent of the growth of global energy demand for oil in the last few years. The Chinese receives about twenty five per cent (25%) of their energy need from Africa mostly from Chad, Angola, Libya, Equatorial Guinea, Gabon, Algeria and lately Nigeria, This need is expected to gradually increase by nine per cent annually.

Notwithstanding, there are allegations that China practices dumping in Africa and that they bring to Africa, substandard goods and have contributed to the death of so many African industries including the textile industry in Nigeria. Many Chinese traders have been arrested in Nigeria for evading customs. While they are accused of operating their factories in Africa as sweet shops, it is also on records that they are generally very protective of their domestic markets particularly in some agricultural sectors and automobiles.

Perhaps, one areas or concern in Chinese African economic relations is the growing loans and debt stocks being given to many African countries including Nigeria, Zimbabwe, Sudan and several other countries by China, According to the International Monetary Fund (IMF) and the World Bank, this assistance is full of dangers as such unplanned loans contracted from China by African countries could compound the continents debts burden.

Even though China is said to have written off a large loan stock or over \$1.38billion to African heavily indebted countries, there are still concerns about the rate at which more loans are contracted under the pretext that they were economic assistance which carries little or no concessions.

On many occasions, Chinese labour practices have been established to conflicts with local laws. Owing to increased business engagements, Chinese business enterprises find it easier to employ more from home rather than engaging local hands. Some of the enterprises "rarely employ local workers in Africa, rather, they are accustomed to bringing workers' from China and most management positions are filled by Chinese nationals." Although, this may be economically expedient for the Chinese entrepreneurs as the workers are more familiar with the technology and they face fewer language, cultural and communication barriers with the management, this may not assist Africa in the much needed transfer of technology and provisions of jobs for the teaming population of the Africa's unemployed youths.

For a country like Nigeria at the verge of industrial production, the influx of cheap Chinese products destroys local industries and entrepreneur potentials. Already, the supply and distribution chains of most Chinese imports are owned entirely by Chinese enterprises and this trend if unchecked, could lead to a general animosity towards Chinese made goods and indeed China itself. The growing influx of Chinese nationals, in recent years to Nigeria, Angola, and South Africa is already having impact on the African market scene as Asian immigrants and traders not only disrespect local laws but also out-perform local business groups most of whom lacks the skills, capital and acumen to successfully compete.

7. Findings

The Chinese who left their homes in search of better fortunes in the early 20th century established themselves as 'emigre entrepreneurs' in Malaysia, Singapore, Indonesia, Burma, West Indies, Nigeria, and East Africa. Thus whatever be the motives which have led men to undertake the constructive entrepreneurial acts, this much appears sure that "these motives have varied greatly, from one society to another, and they have rarely, if ever, been motives of an unmixed material character".

LDCs must 'create a climate for investors'. The creation of such climate depends, on the one hand, on establishing social institutions which make possible objectively the exercise if independent individual enterprises, and on the other, on maturation and development of personalities whose dominant orientation is in the direction of productivity, working, and creative integration.

8. Recommendations

The political acts should include the modification of social institutions, the protection of property rights efficiently and the maintenance of law and order within the country. Besides, it requires the establishment of financial institutions which collect savings and canalise them for investment /entrepreneurial activities. To facilitate this process, such financial institutions like the savings banks, investment banks, and the complex of brokers, dealers and commercial banks that comprise the capital and money markets are required. The government should adopt such monetary and fiscal policies which encourage the growth of investors.

It should necessitate the setting up of scientific, technological, managerial, research and training institutes. This will encourage various kinds of skilled personnel such as workers, scientists, technicians, managers, administrators, etc. In management, both the private and public sectors, yet scientific, technical and managerial personnel are very important for the success of economics. The development of appropriate personality and motivation which should lead to the growth of economic in LDCs. Thus, motivations, abilities and congenial environment all combine to promote economic. Since entrepreneurial motivations abilities are long-run sociological problems, it is better to make the political, social, and economic environment congenial for the growth of entrepreneurship/investors in LDCs.

9. Conclusion

We have traced the history of the relations between Africa and the Peoples Republic of China. It is to the submission that the long historical political and economic relations between the two partners have driven Africa and China to each others arms. The contracted bilateral relations grew naturally out of consent, mutual understanding and shared beliefs in their joint capability to improve their economy and ensure development. China's interest in Africa was basically built on the need to secure supports for her existence and ideological beliefs. The interest was also aimed at securing access to the much needed resources available in Africa for industrial production and energy need at home. Although, the relation between China and Africa is today very close, there are dangers in assuming that there would be no friction or conflicts in future which may eventually forced one or both of partners to re -assess their cooperation.

It is with this insight that Africa must take necessary steps to put itself at an advantage to avoid the repeat of the Europe -Africa unequal friendship which eventually develops into a near master- servant relations.

In order to continuously reap the benefits of its association with China, Africa must, as a matter of priority:

- (i) Identity her interest in relation with the Peoples Republic of China, harness such interest by acquiring appropriate technology to ensure rapid economic growth and development;
- (ii) Private sector must take the lead in engaging China through healthy competition and rivalry where appropriate, but tactically avoid such competition in areas of weakness;
- (iii) African countries should examine the long term effects of Chinese trade and investments on its economy and people; they should merge the short terms gains and cost

(such as environmental damage, and pains caused by cheaper Chinese import) against long term benefits such as efficiency, job opportunities and skill acquisition;

(iv) African private investors and firm should adopt improved local technologies that could positively compete in China. African commodities exporters should penetrate China and obtain more share of supply chains and markets;

(v) African and Chinese citizens should be encouraged to develop business and social rapport, through cultural exchange, tourism and joint business partnership;

(vi) Appropriate protection and incentives through a well moderated tariff structure should be given to local industries to enable them compete favourably with Chinese companies; and

(vii) Local laws must be strictly enforced such that incidence of illegal immigration, dumping, piracy and evasion of customs which are trade-marks of Chinese business practices are minimized.

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Part Four
Clinical Child Psychology



HIV Infection among Children with Hearing Impairment: A Case of Vihiga District-Kenya

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Abstract. The children with hearing impairment (HI) have been left out in many things. Many families in Kenya do not want the community to find out that they have HI children. And so these children are usually hidden from the larger public eye. This makes the HI child to be abused as well as neglected from getting valuable the information. This study therefore seeks to find out how and where the HI child gets information about HIV and how much this child is vulnerable to HIV infection in Vihiga district in Kenya

The population of the study comprised of children with HI in Vihiga district who are enrolled at Joseph Mikuzi School for the Deaf. The children were screened for HI and in the primary section of the school.

Screening for HI was done and out of the 110 who were screened only 35 were enrolled into the study. Chi-square was used to analyse the demographic data that was received from the study population. The children gave informed consent to participate in group as well as individual interviews. Picture codes were also used to collect Qualitative data. The data was analysed using a descriptive statistics, Chi- square test as well as description from the stories given by the study participants.

The results revealed that most of the children with HI came from Low social economic status Societies. The result indicated that HI was commonly associated with other adverse events in the early lives of the HI children. It further revealed that an HI child was at a higher risk of HIV infection due to poor communication skills, abuse from the hearing communities and little information about HIV.

According to the results, there is need to use a different language of communication for the children with HI about HIV.

1. Introduction

The global epidemiology of hearing impairment (HI) indicates that HI is a major public health concern. However, documented information is still scarce, especially in the developing countries. This has been attributed to lack of resources, skilled personnel, equipment for research, inaccurate reports, definitional problems and lack of supportive national health programs (Davis 1993, 1997; Hatcher *et al.*, 1995). Major public health issues related to hearing impairment are: vulnerability to the risk factors in the younger age groups and, under-education and illiteracy of children with hearing loss which hinder personal growth and socio-cognitive performance (Internet Communication, Webmaster@asha.org, 2002).

It is estimated that about 440 million children worldwide have hearing loss above 85 decibels (dB) but this increases to about 800 million when threshold is reduced to 50 dB (Davis, 1993, 1997). However, most of these children either go undetected or are detected late, particularly in the resource-poor areas (Prescott et al., 1999). This may result in significant adverse outcomes such as social, psychomotor, communication and educational problems to both the individual and family (Adele *et al.*, 1991). The time of onset in early life, type and severity of hearing loss and environmental input have significant effects on these outcomes. The impact of HIV/AIDS on children complicates this further both for the children and their families since it is not a simple problem that has easy and ready answers. The current situation is complex, interrelated at all levels of life, cutting across all sectors of development. According to revised estimates for 2000, there are 34.7 million children under the age of 15 in 34 countries who have lost their parents to HIV/AIDS and other causes of death. By 2010 it is estimated that the number might rise to 44 million. Without AIDS, the total number of children orphaned would have dropped by 2010 to fewer than 15 million (UNAIDS 2004). Hearing impairment becomes a risk factor to the children with these conditions to the HIV infection since many of the people around them do not know how to communicate to the children on how HIV can be prevented.

2. Problem Statement

Childhood hearing loss is an „invisible“ condition normally and upon the quality of life they lead. In Kenya, children with listening problems due to hearing loss continue to be an under-identified and under-served population-group. In the era of HIV/AIDS the situation is no better. This survey seeks to investigate how the children with HI access information on HIV/AIDS and the challenges it poses to the families and the communities at large. The problem is born out of the fact that HIV/AIDS is a recent disease and people with no HI are still struggling to come to terms with the disease. If this is the case children must be adversely affected and worse still those with HI. This is made worse with the fact that there is deficiency in the knowledge base of the factors that are responsible for variations in the occurrence of childhood HI and its over influence the time of diagnosis and onset of any intervention measure, and factors that influence utilization of these services. HIV/AIDS infection in children complicates this further because there is not yet a Sign language which communities can use to talk to those with HI and worse still there is not yet developed sign language of HIV/AIDS. This therefore makes it difficult for parents to give HIV/AIDS messages to their children. As well as lack of sign language, HIV/AIDS is a disease associated with sex which is still a taboo subject in most African communities. How therefore do the Children with HI acquire HIV/AIDS knowledge?

The promotion of child growth and development is an important element of paediatric health supervision. The key strategies involve prevention of risk and the environmental disadvantages (Palti *et al.*, 1982).

3. Epidemiology of Hearing Impairment

Childhood hearing impairment can be congenital or acquired. About 50% of the known causes are preventable by primary public health methods (Chukwezi, 1991). However, lack of facilities for comprehensive timely diagnosis and inadequate understanding of the associated extraneous factors, like the socioeconomic and demographic, besides the purely physiological ones are a hindrance to this strategy (Chukwezi, 1991). The assessment of childhood hearing therefore requires consideration of all these factors together. They are significant in stratifying health outcomes and therefore essential in explaining the wide variations in health risks and outcomes that occur within individuals and across different population groups. They also influence policy entry points in intervention programs

(Diderichsen *et al.*, 2001). What seems still missing out is the fact that although HIV is still a public health issue among the children, the policies that affect them do not seem to be highlighted here. It would therefore be important to contribute to the demographic data of HI children in relationship to HIV.

Prevalence studies of childhood hearing loss have shown variations across different age groups, social classes (Stephens *et al.*, 1991) and even within individuals resulting from selective perceptions across frequencies (Davis and Fortnum, 1993). For example, Connor (1961) reviewed 31 different studies on the incidence of childhood hearing loss and reported that the number of school-age children with defective hearing ranged from 2 –21%. Studies by Alpiner (1978) however, showed variations ranging from 6 –21%. Such variations, for example, in incidence and prevalence, have been attributed to either change in morbidity or discrepancies in methodology, socioeconomic factors, seasons, methods of frequency tests employed and ear pathologies (Wilson, 1972).

4. Causes of Hearing Impairment

Early identification of HI followed by appropriate investigation provides the best chance for identifying reasons for hearing loss (Newton & Stokes, 1996). However, as noted by Paving (1991) this can be a challenge to professionals involved with children within health care, educational and social sectors. This is probably due to lack of skills, equipment and difficulty in testing children.

The etiologies of hearing impairment, disability and handicap in children can be attributed to factors that either increase risk of auditory pathology or handicap. There is also interplay between genetic and environmental factors. Factors that increase incidence of auditory pathology are individual genetic predisposition, infections and trauma to the peripheral and/or central auditory systems, metabolic disorders, premature birth, iatrogenesis, exposure to teratogens and neoplasm. The factors that increase prevalence of auditory disability and handicap are late detection, poor service integration, lack of stimulating environment and unfocused interaction with service departments (Davis, 1997).

5. Impact of Childhood HI

The impact of a condition can be defined as the likelihood that a person with a condition will face activity limitations, visits to a physician and hospital services, and dependence on equipment and other people. For example, the estimated average lifetime cost for one person with HI is \$417, 000 (CDC, 2003). Impact frequency of a condition indicates its importance albeit these indicators give only weak clues about specific needs of the affected persons (Verbrugge and Patrick, 1995).

Hearing impairment occurs along a broad continuum and its impact can be considered as a function of the auditory pathology and the ultimate interaction with factors within the environment. Pathophysiological consequences of conductive deafness include attenuation of sound reaching the inner ear, while damage to the inner ear results in an impairment of the frequency-analyzing mechanisms. Thus, the ability to detect and discriminate signals in noise, to identify the quality of sounds and to perceive the pitch of complex sounds, may all be impaired. Temporal resolution may also be impaired in cochlear hearing loss, besides altered response to variations in loudness of sounds. Some of these disabilities may be progressive while in some cases of conductive HI, the auditory system may adapt during its development to altered localization cues (Lanyon *et al.*, 1999). Conductive HI is more readily amenable to treatment, while disabilities due to sensory neural HI may not be

effectively corrected with conventional hearing aids (Moore, 1987).

The impact of HI on the socio-cognitive performance can be measured by the prevalence of disability and handicap and other concomitant conditions (Eickel, *et al.*, 1998). However, there is a risk of under-estimating these effects because HI is invisible and may be fluctuant. Often these

are associated with problems of causes rather behaviour may be attributed to non-compliance or slow learning rather than HI (Flexer, 1994).

The effects of childhood HI may have significant long-term effects in four broad areas. Firstly, the cognitive development, in which receptive and expressive communication skills may be delayed or retarded. In this case, the gap between the vocabulary of normally hearing children and those with hearing loss widens with age. Secondly, education difficulties may be due to language deficit, learning problems and difficulty in auditory skills, such as accuracy in sound location and listening in background noise. These children are more easily distractible, more frustrated and dependent, less attentive, and less confident in the classroom than peers with normal hearing (Richardson *et al.*, 1964; Clark *et al.*, 1977; Thomas *et al.*, 1989; Flexer, 1994; Hunter *et al.*, 1996; Shriberg *et al.*, 2000). These difficulties may lead to poor academic achievement, which worsens with progress through school. Parental involvement is important in influencing academic outcome. Thirdly, communication difficulties may be further associated with poor self-concept, low self-confidence, behavioural problems, social isolation and hindered interpersonal relationship. These social problems appear to be more frequent in children with mild or moderate hearing losses than those with severe to profound HI.

The social status of parents and their individual perception of the disability have been observed to influence the overall impact of HI, such as on cognition performance, speech and language development. Greatest impact is associated with parents who have poor perception of the health needs of the affected child and whose view of the limitation is low. Children of mothers who have low level education show significantly lower development quotient scores compared to those whose mothers have higher education levels. This justifies critical focus on the social context and position of children from special groups (Palti *et al.*, 1982; Carr *et al.*, 1983; Thomas *et al.*, 1989).

6. HIV/AIDS Among Children

The impact of HIV/AIDS on children and their families is not a simple problem that has easy and ready answers. The current situation is complex, interrelated at all levels of life, cutting across all sectors of development. According to revised estimates for 2000, there are 34.7 million children under the age of 15 in 34 countries who have lost their parents to HIV/AIDS and other causes of death. By 2010 it is estimated that the number might rise to 44 million. Without AIDS, the total number of children orphaned would have dropped to fewer than 15 million by 2010. (UNAIDS 2004)

Government policies are important in protecting orphans, vulnerable children and their families. Among the clauses that should be included are prohibition of discrimination to accessing medical care services, education, employment, housing, and protecting the inheritance rights of widows and orphans. The proposed framework is guided by the UN convention on the Rights of the Child and its four principles: These include the right to life, survival, and development. The second is right to be treated equally. The third is right to participating in decisions that affect them. Lastly, all actions should be based on the best interest of the child (ANECCA, 2003)

In 2005, there was a school in Nairobi that denied HIV positive children admission to class one. This came up when parents of the school wanted to withdraw their children for fear that the HIV positive children would infect their children. It took the politicians, the public and religious leaders' intervention for those children to have not come to terms with the knowledge they have on how HIV is transmitted. Apart from educating the communities, people need to change their attitudes. I tend to believe that if these children were coming from their own homes, may be their status would not have been revealed. Such partiality and oppression of the weak is argued against in the Bible. Nyumbani children home had been accused of having been involved in a research on the same children on HIV. Children have a right to education even when they are infected with HIV (Daily Nation 4/1/2005).

For the maximum wellbeing of orphans and other vulnerable children, they and their guardians need to have access to complete health information and appropriate health care. This should include clinical and preventive health care services, nutritional support, and home based care. Many of the health care services for children like the maternal child health care mostly serve children who are brought to the clinic by their parents on the clinic days only. However, the children need a program that will help them to get health information even when they have not gone to the hospital. Children who are taking care of their sick parents should be given education on how HIV is transmitted so that they could avoid being infected. Most of the home based care programs only target the adults. Their assumption is that the adults will in turn train their community. This does not really include the children. The children need to be supported by being empowered with health information to do. Both this probably they do not have skills for communicating the same to the children. It could also be because of societal taboos on issues of reproductive health.

7. Knowledge about HIV/AIDS for Children with HI

More than 90% of the deaf children are born to hearing parents (Moore, 1996), a fact that influences the educational and the cultural development of the child. Since most parents do not know sign language, the young child's opportunity is reduced. Those HI children who do not receive significant language training during infancy and toddlerhood have missed the key age for language acquisition (Davenport, 1977). This therefore means that even when it comes to other forms of learning it has been slowed down.

A study by Luckner and Gonzales (1993) showed that important gaps in their knowledge of HIV and AIDS. For example, when asked if junior and senior high school students could contract the disease, 19% of the adolescents in this study said that it was not possible, and 21% stated that they did not know the answer to the question.

Backer, Duncan, Dancer, Gentry, Highly and Gibson (1997) assessed the knowledge of HIV among the Deaf high school students in the state residential schools through an anonymous survey. The students in the schools that took part in the survey demonstrated limited core knowledge about AIDS, and their knowledge level changed very little as they progressed through high school.

8. Methodology

8.1 Study Population

The study subjects were pupils enrolled and present in the sampled school, in primary section-Joseph Mukutsi School for the Deaf. The school administration and teachers in

Joseph Mukutsi School for the Deaf and Parents or a representative of the children with HI and currently live with the child were invited to the school. At the time of data collection, children who were found to be sick were given primary health care. This was also an opportunity to teach them how to seek for medical care. The children were also taught basics of HIV/AIDS.

8.2 Action Research

Action research is the over-arching principle in the mode of research was used in this survey. Its

principal assumption is that knowledge inherent in people's ev value and utility as knowledge that is gathered against the background of formal theories and concepts of academic disciplines (Denzin, 1989: ; 1997). It also presumes that community transformation is the key role of research rather than knowledge for the sake of knowledge or merely describing the community. Questionnaires, interviews, Thematic Apperception Test as well as picture codes to collect data were used. The demographic data was analysed using chi square whereas the rest was qualitative and descriptive analysis was used

8.3 Thematic Apperception Test

Thematic Apperception Test is a method of revealing to the trained interpreter some of the dominant drives, emotions, sentiments, complexes and conflicts in a personality. Special value resides in its power to expose the underlying inhibited tendencies which the subject is not willing to admit because he is unconscious of them P. Cramer (1996)

The procedure was that of presenting a series of pictures to the subject and encouraging them to tell stories using sign language about them, invented at the spur of the moment.

The pictures were presented as a test of image need for approval, made them so involved in the task and forgot their sensitivity of self defence against the probing of the examiner and said things they would ordinarily be reluctant to say.

8.4 Role Plays

Short plays were written and given to some children to rehearse in the absence of the other children. The play was letter acted now in the presence of the children in order to elicit information of what they saw and what they understand the theme of the play was. Information and knowledge gaps were then filled in by the facilitator.

8.5 Questionnaire

A semi-structured questionnaire was administered to the parents / guardians of children identified with hearing impairment. Key information provided by parents included concomitant childhood disabilities (questionnaire adopted from Zaman *et al.*, 1990; Joanne *et al.*, 1992), age, marital status, occupation, housing, monthly household expenditure on food, selected key assets owned by them, date of birth of child, natal and past medical history, developmental milestones, family history and use of health facilities. The respective class-teachers of the pupils also gave

Information on their assessment of the child asked how they integrate HIV information in their lessons. The children were asked about HIV/AIDS and their view about vulnerability.

9. Findings

Table 1: The table below shows the categories of hearing Impairment by sex.

Table 2 Children with HI by sex (n= 35)

Categories of HI	Sex		
	Male (%)	Female (%)	Total (%)
(1) Mild (25 - 39 dB)	5.7	8.6	4.3
(2) Moderate (40 –69 dB)	25.7	22.9	48.6
(3) Severe to profound (70 dB or more)	25.7	11.4	37.1
Totals	57.1	42.9	100

Chi square= 1.498, *df.* = 2, *p*= .473

Hearing impairment was more severe among the female subject than their male counter parts. Moderate and severe HI was higher in both females and males. However, the percentages differed slightly. Severe to profound HI among the males was 25.7% while females had only 11.5%

Table 2: Other disabilities occurring concomitantly with HI

(n= 35)

Type of disability	Frequency	%
Articulation disorder	5	14.3
Convulsions	16	45.7
Delayed milestones	5	14.3
Language disorder	2	5.7
Learning disorder	2	5.7
Locomotor disorder	6	19.1
Mental disorder	4	11.4
Speech disorder	2	5.7
Visual impairment	3	8.6

A high proportion of pupils with HI (68.6% n= 35) also had at least one concomitant disorder (Table 4.5) while 31.4% of them had none. Convulsions, locomotor impairment and articulation disorders were the most common concomitant disabilities cited by the parents, among others (Table 4.5) but these had no relationship with the severity of hearing impairment. There was an inverse relationship between co morbidity and the first person to detect HI ($b= -19.040$, $t= -2.344$, $p= .025$)

What the children have heard about HIV/AIDS.

All the children in had heard about HIV/AIDS. However, children from the nursery and those that were less than six years had not heard about HIV. This could be attributed to the fact that HIV/AIDS has been included in the primary curriculum. This Curriculum integrates HIV in all the teaching lessons. All the children knew HIV is incurable.

When the children had been taught how HIV is transmitted, they found it very hard to relate to the fact that sexual intercourse can make them infected. Some said that there are many times that they are forced to have sex although they do not like it. When they are forced into the act then they are more at risk because of the injuries they experience and yet they can not say that that has happened to them. From the findings of what the children have had about HIV was clear that most of the children had the basic information of HIV. This is because it is taught in the school.

The Table below shows the source of HIV/AIDS information for the children with HI.

Table 3 Sources of information

Sources of information	No
Friends	30
Parent	None
Teachers	35
Relative	None

The children were comfortable to get any information from their peers. They claim that their peers are honest and do not hide any information from them even when it is very embarrassing. The age difference is little and so they share the same experiences. Some of the information they revealed were HIV myths. The teachers were also their other sources of information. All the children said that the teachers have talked about HIV/AIDS to them. This information has been integrated in their learning. Children in class six, seven and eight confirmed having written a composition on HIV/AIDS.

10. Discussion and Conclusion

10.1 Empowerment of children with HI

In my professional practice, I met a deaf girl who was against her abuser being convicted for rape. She confused the act of rape for love. She said that no body else loved her as this perpetrator had. There is need to educate the deaf the deference between love and rape; More so the girl child. I realised that Selpher needed to be empowered to say NO. I taught her how to say no and who else needs to know what has been happening to her. She needed to let the perpetrator take responsibility instead of her feeling guilty. She now felt respected and understood in her condition.

10.2 Frequent HIV testing

From the interaction I had with Jacob. I realized that he needed to be taught HIV basics. I taught Jacob the HIV basics during the interview. He was happy and wanted an HIV test done for him. However, I did not do it for him. I encouraged him to visit VCT when schools close since he is above eighteen years old. There is need to for the government to come up with procedures that can help children get tested for HIV. HIV testing should get to a place where the test can be a standard test like the Malaria test.

10.3 Language for HIV/AIDS among the HI children

Children with HI can be able to process overwhelming problems which could be emotional, Psychological etc even when they can not verbalize. In art therapy, they can say things which they would not in ordinary settings. Pictures can be helpful in indicating different moods the child is processing. There is no need of assuming that deaf children are difficult to communicate to. When they are given an opportunity to draw, one can still see and understand what they are feeling or want. Allow them to express codes that have been buried or hidden features and meanings. The unconscious is also given expression, because some images are unconsciously produced.

Sometimes children become surprised at the things they have produced. Art therapy is most important in helping children with language disorders, those that are deprived and even those that are going through bereavement. On one occasion, I asked a child with HI to draw his home. He drew a home with a grave. When I asked who could be in the house, he said it was her mother who is very sick. He looked disturbed about my question. He latter disclosed that his father had had the same condition the mother is currently having. He was sad that no one ever told him what the sickness was. He would have wanted to ask the father when he was alive about his condition but his father used to be in a lot of pain. This picture code that the boy had drawn was able to bring to consciousness the buried emotions the child had had for a long time.

This child had gone through grief without any support from the people who were close to him. Children who have lost their parents or family members, grief can be overwhelming and hard to understand. Grief and bereavement experiences are unique to each individual. Grief can cause different responses including psychological, physical emotional as well as behavioural. Grieving children therefore should be helped to acknowledge their loss and be given an opportunity to release their grief. This can well be done by giving children with HI an opportunity to draw what they think they are going through. This is even harder for them when they suspect that their parents or relatives have died from HIV infection.

10.4 Communication between Health Care providers and Children with HI

Misunderstanding medical words or terms may interfere with all aspects of health care, including taking diagnosis, treatment and prevention education.

Most of service providers have limited understanding of the children with HI communication needs and preferences. The assumption is that lip-reading, written notes and the English proficiency are sufficient in health care. The service providers assume that as long as they understand the verbal remarks of their clients, then the client understands their speech as well. This lack of understanding creates unreasonable and unattainable expectations and a consequent decrease in the quality of health care offered and received.

There is therefore need for service providers to have some training on identifying communication needs of people with HI. They should also get in-service training how to communicate with the HI. They should not only look at the Sign language communication but also on the culture of the Deaf.

The challenge of communication is bigger than one can imagine many cases may not be legible. A hearing person has a way of asking for clarification. What about the HI. It is therefore necessary for Doctors especially in Kenya to use legible hand writing for the HI. The medical personnel also use a lot of the medical language even when they are speaking to lay people. This is usually a hindrance to communication between her/him and the client.

On the hand, Health care providers should start using appropriate pictures, models and drawings that are relevant. This would improve communication with patients. In the past HIV education, pictures of people who are very sick and emaciated have been used a lot. This brought about a lot of misconception of hoe HIV infected people look like. The healthy looking people were not associated with HIV. The infections still went on because of this ignorance. This does not give the real picture of the disease.

It might be important for parents, teachers and guardians to have basic skills of child development. This will help in the child adult interaction. Parents have a responsibility to take care of the children. However, parents feel inadequate to care for children at times. This becomes a tall-order when they now have to handle children with disabilities

Parents need to know that children are drawing. The drawings are a structure in themselves yet simultaneously refer to the events and objects and it is the dimension and meaning that the therapists and educationists. The drawings allow insights into the dynamics of the child's un hidden process which otherwise remain largely inaccessible to the exploration .Therefore, it is important to be patient with the child as he works through this.

10.5 The role of the family

Among the luhya community, for instance, when parents die the children are not likely to be taken care of by their relatives. On the day of burial, relatives promise how much they will help but soon forget their promises when they leave the compound of the deceased. This could be attributed to the poverty level in the area. Many might want to help but they do not have enough resources to do just that.

These children are likely to live alone, hence the high prevalence of child headed homes. These children are likely to be malnourished due to lack of enough balanced food. They may also lack education and even other basic needs. Experience has shown that orphans are best cared for in families and communities. By understanding the reasons for child headed homes, a public health practitioner can assist by sourcing funds from non-governmental and other organizations to assist orphans from such a region.

The community should change their attitude on children with disabilities. They have a responsibility to take care of them. They need to protect and provide for the needs of these children. The relatives should be at the forefront in making sure that they learn how to communicate with this child at home before they expect the rest of the community to embrace their children.

10.6 Implementation of Health care programs for HI in communities

Public health practitioners need to explore cultural issues with the community as a prerequisite in planning and implementation of public health interventions. Revealing some awareness of cultural issues conveys interest, concern and respect. This is likely to enhance rapport with the patients/clients, as long as one does not assume that he/she knows what the clients think and believe. The patient/client is his/her own cultural expert. The HI has a culture that is best known to them. This makes it hard for the hearing community to interact with them at the same level.

There is also need to understand how to work with people from varying cultural backgrounds and the ways in which these backgrounds influence those peoples' attitudes and actions towards health. The HI have a tendency to think that the clinician can just look at them and understand what the sickness is and provide treatment. On the other hand, there is a need to know the socio-cultural dimensions of the community in order and reactions. The HI community seem to think that the hearing always take advantage of them; therefore there is no need to seek professional help because it will be given half hearted.

10.7 The need to develop organized groups

In order to develop and organize groups that will promote health and healthy behaviour in the community, it is important that one understands the values, aspirations, and culture biases of that community. The groups that can be organized include Community owned resource persons,

Village Health Committees, Home Based Care, etc.

Some communities describe some health events in terms of witchcraft, sorcery and evil eye. In many communities deafness is seen as bad omen or witchcraft. Yet in the case of an outbreak a diseases, those infected need to be treated and those who have not been infected need to be protected and prevented from the infection. In order to intervene in case of such an outbreak, one needs to encourage the community to seek proper medication instead of going to the witch doctors and sorcerers for cure.

Therefore, by understanding the socio-cultural explanations of disease outbreaks, a public health practitioner can be able to device ways of giving the correct explanations to the community and seeking treatment and prevention. Such knowledge is also valuable in investigating disease outbreaks in the community using a community-based participatory approach.

10.7 Plan and implement public health interventions

From the research findings, some of the children became deaf after a malaria sickness. It is then important to consider the cultural point of why some places have many HI children and then see how to help deal with the problem instead of seeing it as a curse as it might be in some cases. In planning for public health interventions therefore, one needs to put into consideration the socio-cultural dimensions of the community in which those interventions will be carried out. This is in order to plan for interventions that will be acceptable.

It would therefore be important to understand this in order to plan on how to educate the community as part of the intervention plan.

There are some cases in some of the regions in Kenya where insecticide treated bed nets were given to households for malaria prevention especially among the children under five years. Most of the households in the rural areas have only one bed that is used by the

parents. All the children sleep on the floor and hence could not use bed nets. In such a case, a public health practitioner needs to learn the socially acceptable cultures that can make the children sleep under the nets and yet are still acceptable to the society.

10.8 Monitor and evaluate Public Health interventions

The impact of a public health intervention needs to be monitored. The purpose of monitoring and evaluating public health interventions is to ensure that these interventions are efficient and effective. Public health interventions should be evaluated periodically, and the evaluation should include recommendations for improving quality, efficiency, and usefulness. The evaluation should focus on how well the system operates to meet its purpose and objectives. In monitoring and evaluating public health interventions, one needs to understand the socio-cultural background and the type of population they are working with.

In the process of carrying out this research, literature showing how the health care providers are evaluating their services to the deaf community was not discovered. Therefore, communication is a big challenge for the health care workers and the HI. There is need to include some form of training on how to provide services to this vulnerable group. In the past doctors have either used the relatives to interpret or treated the HI just as they would treat a child who has not developed communication. The doctors would do a thorough examination before treatment although this is really in ideal situations. I recommend that when an HI person seeks treatment, they should be given a complete physical examination and most tests be done for the symptoms that have been presented just as what is done for paediatrics.

10.9 Give public health advice from their cultural point of view

The causes of ill health are interpreted differently among different communities. Among the Akamba in Kenya, for instance, believe that Mangoes cause malaria. For a public health practitioner to be able to explain to them the actual cause of Malaria, he/she has to understand this and be able to relate to the true cause of malaria. e.g., as the people go to pick mangoes, they are bitten by mosquitoes hence will suffer from malaria. The community will then be in a position to put in place the measures to prevent Malaria. This is because Malaria from other researches that having been done show that is a high contributor to HI in children when it is not diagnosed and treated in good time.

I therefore recommend that just as it is assumed that all TB patients must be HIV positive. This can only be dealt with well when the public is advised to test for HIV every time they visit the chest clinic. The government has now introduced Diagnostic Testing and Counselling –DTC.

10.10 Mobilize the community to care for their own

The community, through their social web, can take responsibility and care for their own needy and vulnerable groups such as the old, orphans, persons living with HIV/AIDS and the physically challenged. In most cases, the communities if well coordinated can take care of their vulnerable groups. This can be done, for instance, by contributions, revolving funds e.t.c. The community can, organize a fund drive to raise money for paying hospital bills for the HIV/AIDS infected individuals. This is the case of Joseph Mikuzi School.

Community leaders can assist to organize the community members and encourage them to generate their own ideas on taking care of their vulnerable groups.

10.11 The role of religious communities

Most people when they have some kind of celebration they will involve the religious leaders. It is therefore very important to have the religious leaders take a big role in protecting vulnerable population from abuse. The religious communities should not join the rest in name calling.

This could explain why we do not have programs that target the children with HI even in the churches.

Currently the HI only have nursery schools, primary school, secondary schools and tertiary colleges. Currently in Kenya we do not have any Institution of higher leaning that admits HI people. The church needs to change. It is through education that the HI can be empowered.

The church needs to come up with discipleship programs where some clergy can be taught how to communicate with the HI and minister to them.

11. Recommendations

- 1 The HI children should be involved in taking part in HIV prevention because they are sexually abused.
- 2 The parents need to take an active role in teaching their own children about HIV. They need to do this by introducing Memory books for the families.
- 3 The medical practitioners and other professionals need to be introduced to sign language. This should be part of their training.
- 4 The church needs to introduce sign language in order to be inclusive. Interpreters should be introduced in all service providers for all professions.
- 5 I strongly recommend that materials should be developed that are HI friendly.
- 6 Research needs to be conducted with the HI children as well as the adult HI.

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Determinants of Under-Five Mortality in Abim District, Uganda.

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Abstract. The study on the determinants of under-five mortality in Abim district, Karamoja region was to examine how maternal age at first birth, maternal age, previous birth interval, maternal education, maternal occupation, paternal occupation, latrine use and source of drinking water affect under-five mortality prevalence. The respondents for this study were mothers in the reproductive age of 15-55 years selected by purposive sampling. A logistic regression model was used for a dummy (1=death, 0=survival) and the independent variables. The odds of the logistic estimates revealed that under-five mortality was significantly high at 95% confidence level among mothers who had first birth below 20 years of age, maternal age at birth of less than 20 years, previous birth interval of less than 2 years and households that use borehole water. Other factors like maternal education, maternal/paternal occupation and latrine/toilet use were insignificantly related to under-five mortality. Hence it was recommended that campaign against early marriage and teenage pregnancy be explicitly done, mothers be encouraged to exclusively breastfeed for at least 2 years, mothers be sensitized about the advantages of family planning, personal hygiene and good sanitation be continuously practiced if under-five mortality in the Abim District is to be controlled.

Keywords: Maternal age, Education, Occupation, Water, Latrine and under-five mortality

1. Introduction

The United Nations Millennium Development Goal 4 aims at reducing mortality among children under age 5 by two-thirds between 1990 and 2015. Globally, the under-five mortality rate has dropped 41 per cent—from 87 deaths per 1,000 live births in 1990 to 51 in 2011. East Asia, North Africa, Latin America and the Caribbean, South East Asia and West Asia reduced their under-five mortality rate by more than 50 per cent (UNICEF, 2012).

According to WHO (2013), Africa continues to steadily reduce its under-five mortality rate, from 146 deaths per 1,000 live births to 91 deaths between 1990 and 2011, or 2.2 per cent a year. But it is not enough. Some of the factors contributing to Africa's inadequate achievement of the child health MDGs include weak health systems (physical and financial barriers to essential health services, shortage of medicine, poor human resources) and poor conditions as determinants of health (household education, income, insufficient and inappropriate nutritional practices, poor sanitation facilities).

For Uganda's case, according to the 2011 UDHS data, there is a remarkable decline in all levels of childhood mortality over the 15-year period preceding the survey. Infant mortality declined by 39 percent, from 89 deaths per 1,000 live births to 54 deaths per 1,000 live births while under-5 mortality declined by 37 percent over the same period, from 143 deaths per 1,000 live births to 90 deaths per 1,000 live births. As childhood mortality declines, post neonatal mortality usually declines faster than neonatal mortality because neonatal mortality is frequently caused by biological factors that are not easily addressed by primary care interventions (UBOS, 2014).

According to UDHS (2011), the under-five mortality ratio reduced by a half from 180 per 1,000 live births in 1995 to 90 per 1000 live births in 2011 with Kampala region having the highest rate(65 per 1000 live births) and Karamoja region having the highest rate(153 per 1000 live births) in the previous five years. The key predictors noted for the above rates were: too short birth interval of less than 24 months after the previous birth, too young mothers of less than 18 years and a high birth order or parity of four or more children.

Karamoja region has the highest under-five mortality rate (72 per 1000 live births) relative to the lowest in Kampala region (19 per 1000 live births) in the previous five years in Uganda. The key factors influencing childhood mortality in Uganda as a whole include: too short birth interval of less than 24 months after the previous birth, too young mothers of less than 18 years and a high birth order or parity of four or more children (MoH, 2013).

Abim district is one of the seven districts of Karamoja region and in Uganda mortality statistics is reported only up to regional level, this inadequacy makes it difficult to explain the determinants of under-five mortality at district level. However leading causes of morbidity like malaria (81%), pneumonia(11%), and latrine coverage (41%) at district level can give a shadow of mortality and its causes(UBOS, 2014). A number of development partners and non-governmental organizations such as UNFPA, WHO, WFP, UNICEF, KDDS, malaria consortium have projects directed towards health and nutrition supplements to children to reduce child mortality in the region alongside Government projects like Karamoja action plan for food security, PRDP and national programs like free immunization, free treated mosquito nets and establishment of village health teams(OCHA, 2009) have not been sufficient enough in reducing under-five mortality and therefore this study sought to examine factors that determine under-five mortality despite the stated interventions in the district and region .

2. Methods and Materials

Based on the theoretical and previous literature discussed previously, the model for the empirical analyses is classified to three parts. The models consist of maternal factors, socioeconomic factors and environmental factors.

The first model consists of maternal factors while the second model incorporates socioeconomic factors and the third incorporates environmental factors.

So the models in this study are:

Model (I)

Under-five mortality = (Maternal Age at first birth, Maternal Age at birth, previous birth interval).

Model (II)

Under-five mortality = (**Model I** and Maternal education, maternal occupation, paternal occupation).

Model (III)

Under-five mortality = (**Model II**, source of drinking water and Latrine/toilet facility use). This method of analysis includes factors one at a time selected on theoretical basis.

The general form of logistic equation with several Maternal, socioeconomic and environmental factors is given as:

$$\text{Logit (P)} = b_0 + b_1X_1 + b_2X_2 + b_3X_3 + b_4X_4 + b_5X_5 + b_6X_6 + b_7X_7$$

P: - denote the probability of the risk of under-five mortality and P is dichotomous that have a value 0 or 1

$b_0 \dots b_7$: - is the coefficient of the independent variables.

$X_1 \dots X_7$: - denote the Maternal, socioeconomic and environmental factors of under-five mortality

All mothers in the reproductive age of 15-55 years of age who visited Abim Main Hospital located in Abim Town in the period of May and June 2015 were interviewed randomly.

3. Results

Table 1: Presents the logistic regression of maternal factors on under-five mortality (MODEL I)

Maternal Factors	B	Odds Ratio (OR)	P-Value
Maternal age at first birth (<20)			0.109
20-29	-0.934	0.393	0.035
30-39	-21.454	0.000	0.999
Maternal age at birth (<20)			0.003
20-29	-1.393	0.248	0.069
30-39	-1.648	0.192	0.001
40+	-2.025	0.132	0.000
Previous birth interval(< year)			0.005
2 years	-1.810	0.164	0.003
> 2 years	-1.280	0.278	0.005

According to model I above, the significant maternal factors were maternal age at birth and previous birth interval since $p < 0.05$ and maternal age at first birth was insignificant ($p > 0.05$). It reveals that the odds of under-five mortality reduce with increase in maternal age and previous birth age. (See Table 1).

Table 2: Presents the logistic estimates of socio-economic factors on under-five mortality (MODEL II)

MATERNAL FACTORS	β	Odds Ratio (OR)	P-Value
Maternal age at first birth (<20)			0.111
20-29	-0.995	0.370	0.036
30-39	-20.657	0.000	0.999
Maternal age at birth(<20)			0.012
20-29	-1.362	0.256	0.093
30-39	-1.570	0.208	0.007
40+	-1.939	0.144	0.001
Previous birth interval(< year)			0.014
2 years	-1.726	0.178	0.006
> 2 years	-1.203	0.300	0.013
SOCIO-ECONOMIC FACTORS	β	Odds Ratio (OR)	P-Value
Maternal education(None)			0.687
Primary	0.932	2.540	1.000
Secondary	0.361	1.434	1.000
Tertiary	0.812	2.252	1.000
Degree+	1.000	2.719	1.000
Maternal occupation(Peasant)			0.999
Civil servant	18.191	7.945E7	0.999
Business	18.423	1.003E8	1.000
Others	-0.582	0.559	0.198

The results in Table 2 indicate that maternal education, maternal occupation and paternal occupation were statistically insignificant ($p>0.05$) after controlling for maternal factors. This implies that socio-economic factors were insignificantly related to under-five mortality.

Table 3: Presents the logistic estimates of environmental factors on under-five mortality (MODEL III)

Maternal Factors	β	Odds Ratio (OR)	P-Value
Maternal age at first birth (<20)			0.158
20-29	-0.929	0.395	0.055
30-39	-20.442	0.000	0.999
Maternal age at birth(<20)			0.036
20-29	-0.965	0.381	0.254
30-39	-1.348	0.260	0.024
40+	-1.768	0.171	0.004
Previous birth interval (< year)			0.004
2 years	-2.029	0.131	0.002
> 2 years	-1.416	0.243	0.004
Socio-economic factors	β	Odds Ratio (OR)	P-Value
Maternal education(None)			0.705
Primary	0.560	1.750	1.000
Secondary	-0.014	0.986	1.000
Tertiary	0.431	1.538	1.000
Degree+	0.758	2.133	0.999
Maternal occupation(Peasant)			0.999
Civil servant	18.154	7.657E7	1.000
Business	18.687	1.305E8	0.188
Others	-0.532	0.588	0.379

Paternal occupation (Peasant)			0.964
Civil servant	-1.016	0.362	0.038
Business	0.020	1.020	0.511
Others	2.112	8.268	0.945
Environmental factors	β	Odds ratio(OR)	P-Value
Latrine use (No)			0.014
Yes	0.028	1.029	
Source of drinking Water			0.044
(Surfaced/rain/pond)	1.862	6.439	0.472
Borehole/spring	0.602	1.826	0.999
Tap/piped	-18.507	0.000	0.999
constant			

The models consisting of all maternal, socioeconomic and environmental factors are presented in Table 3. Model I consists of maternal factors only while model II includes socio-economic factors and model III incorporates environmental factors.

In model I (See Table 1) the under-five mortality risk ratios for first birth age, maternal age at birth and previous birth interval are in the expected direction. First birth age of 20-29 reduces the risk of under-five mortality by 61%, first birth age of 30+ are likely not to experience under-five mortality though insignificant at 90% or 95% level of significance (p -value>0.1) relative to first birth age of less than 20 years.

Maternal age at birth of 20-29 reduces the risk of under-five mortality by 75%; 30-39 reduces the risk by 81% and 40+ reduces the risk by 87% relative to maternal age of less than 20 years statistically significant at 90% level.

The previous birth interval of 2 years reduces the risk of under-five mortality by 84%, above 2 years reduces the risk by 72% relative to birth interval of less than 1 year which is statistically significant at 90 % and 95% confidence levels(p <0.1,0.05).

Model II extends Model I through the addition of socioeconomic factors including maternal education, paternal and maternal occupation (See Table 2). The probability of under-five mortality is high among younger mothers and those with birth interval of less than 2 years. The relationship of first birth age, maternal age and under-five mortality is not altered in the presence of maternal and socioeconomic variables. Model II presented in Table 2 also shows the effect of socioeconomic variables after controlling for maternal variables. It was revealed that socioeconomic factors do not have a significant effect on under-five mortality (p >0.1).

Model III adds controls for two household amenities, namely water source and toilet/latrine facilities (see Table 3). The results revealed that under-five mortality was significantly high among households that use borehole water (p <0.05) and insignificantly high among households that use latrine (p >0.05).

4. Discussion of Findings

The finding shows that maternal age at first birth is statistically insignificant in determining under-five mortality (see Table 2). However, John (2013) and Mesganow (2008) found that maternal age at first birth is a significant factor as teenage mothers had high under-five mortality but a related by Nutiye (2009) follows the same conclusion that maternal age at first birth is insignificant and this can be true if these young mothers are provided with

adequate health input, good nutrition and health care and delayed motherhood is of great advantage as it gives girls time to go through an education, gain economic stability and mature to get ready for producing children responsibly.

The results in Table 3 show a negative relationship between maternal age at birth and under-five mortality which is statistically significant. This study shows that maturity of the mothers in terms of age reduces the risk of under-five mortality significantly though not in the expected U-shaped relationship since there is low risk of child mortality for adult mothers. This finding is similar to other studies like Gloria (2003), Hossain (2013), Maitra and Pal (2007) suggesting maturity, ability to make decisions, independence and use of healthcare facilities that comes with adulthood. On the other hand Bluaotra and Soest (2008), Maître (2004) all agree that maternal age especially at very young and old ages have high risk of child mortality.

According to Table 3, previous birth interval is statistically significant in determining under-five mortality. Short previous birth interval is associated with high under-five mortality. Past studies that come to the same conclusion includes; Nasejje (2013), Assefa (2013), Ayiko *et al.* (2009) among others. Long previous birth interval enables exclusive breast feeding for at least 2 years which boosts immunity against diseases, reduces competition for care, attention and resources and gives the mother's body time to recover from the previous birth or pregnancy.

There was insignificant difference in under-five mortality among mothers who never had any education, primary and secondary education, tertiary education and degree or above (see Table 3). The finding is contradicting other previous studies by Cornelia (2010), Hsian (2008), Allen (2013), Nasejje (2013) and the argument is that educated mothers can use health inputs, more informed and can improve on hygiene, family planning practices, and have knowledge on good nutrition. The results could be due to the fact that illiterate rate is still high in Abim district especially among women although the trend is changing gradually due to girl-child education campaigns and programs by the government.

Maternal and paternal occupations were found to be statistically insignificant in determining under-five mortality. This result also supports other studies with the same conclusions such as; John (2013), Gloria (2003) who did not find parental occupation as an important or significant factor in determining under-five mortality.

Results in Table 3 show that there is a significant relationship between drinking water source and under-five mortality though in the unexpected positive relationship. This finding supports studies of Allen (2013), Omariba *et al.* (2007), Macassa *et al.* (2003) who concluded that access to clean water was an insignificant factor. This could be because majority of the respondents had access to borehole water, water source considered to be safe may not be and according to reports from the health officials no water borne disease outbreak has been reported over a long period of time.

It was also revealed that latrine/toilet use is insignificant in determining under-five mortality. These results are contrary to Assefa (2013), Nestar (2009), and Rubiiiana (2005) who concluded that poor sanitation is associated with high under-five mortality. However, the finding concurs with the health reports from Abim District which recorded no disease outbreaks associated with unclean water and poor sanitation like cholera and diarrhea.

According to the medical superintendent of Abim hospital common death cases were as a result of malaria, anaemia and pneumonia.

5. Conclusion

The odd ratios of logistic estimates revealed that under-five mortality was significantly high at 95% confidence level among mothers who had first birth below 20 years of age, maternal age at birth of less than 20 years, previous birth interval of less than 2 years and households that use borehole water. Other factors like maternal education, maternal/paternal occupation and latrine/toilet use were insignificantly related to under-five mortality. Hence, it was recommended that campaign against early marriage and teenage pregnancy be explicitly done, mothers be encouraged to exclusively breastfeed for at least two (2) years, mothers be sensitized about the advantages of family planning, personal hygiene and good sanitation be continuously practiced.

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Part Five
Philosophy and Education



Naturalism and its implications on Nigeria Education

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Abstract. Philosophy and education are said to be inseparable discipline. Education is believed to be more meaningful when it is attached to philosophy. In fact, Philosophy has attempted to provide unified principles for education. Wittgenstein believes unequivocally that philosophy is not a theory but an activity, a philosophical work especially in education, according to him, consists essentially elucidation of philosophical propositions on education and to make these propositions clear. It is on this note that this paper examines naturalism and its tenets on education. Positions of prominent the exponents of this school of thought are discussed to bring out its implications for education.

Keywords: Naturalism, Philosophy and Education.

1. Introduction

Naturalism is a philosophical school of thought which has its basis on the world of matter. Mind is also a form of matter or an element of matter or a synthesis or both. Naturalistic philosophy defines life in terms of material and chemical laws and emphasizes the relationship between power, speed and matter as of the nature of casual relationship. According to Naturalism, only nature is everything. Nothing is before and beyond it. Hence, man should investigate the truths of nature by scientific methods with all his capacities and resourcefulness. Naturalist believe that due to the development of society, man has gone away from nature. If he comes nearer to nature, his development will be natural and normal. This, according to naturalists, the ultimate is of nature or matter. It may be noted that naturalists do not believe in spiritual development. They deny the existence of any such things as the supremacy of God, immortality of soul and the freedom of will. To them there is nothing else than matter, which is ultimate reality and the ultimate truth. Naturalism holds that the universe is self-existent, self-explanatory, self-operating and self-directing. It also holds that the world process is not teleological and anthropocentric, but purposeless and deterministic (Aladejana, 2009).

2. The Growth of Naturalism

The development of naturalism may be traced from the earliest times. The material elements of the nature inspired man from the very beginning to think. Hence, thailles thought water

as the original source of all world. Anaksimader accepted fire, water and air as immortal elements. Though naturalism is a very old philosophy, yet the credit of introducing it into the realm of education goes to the revolutionary changes physical science in the eighteenth century. In that age despotism and absolutism reigned supreme in the whole of Europe with the result that there was almost no freedom for the individual at all (Singh, 2007) Corruption and falsehood were a strong rampart. The aristocracy had its hand red with the blood of common people. Everywhere, there was exploitation, make-believe and deceit. The advancement of science began to change the scene and old foundations began the quake under its impact. People began to realize that man is essentially free and his ultimate good lay in the lap of nature. Hence, revolution fire began to spread in whole of Europe to free the common man from the strangle hold of dictatorship and absolutism. These revolutionary ideas took their roots from the 13th and 14th century as movements of reformation and renaissance. Rousseau inspired people's cry of liberty, equality and fraternity in the field of political rights. He exhorted people to know that there was no inequality in nature and thus it was he who shouted "man is born free" and find him everywhere in chain". Hence, this serfdom must end and to achieve this, we must recognize all political institutions on the principles of equality, liberty and fraternity. This cry transformed the face of whole Europe and its echoes were heard far and wide throughout the world.

3. Naturalist Conception of Education and its Relevance to Nigeria Education System

Jean Jacques Rousseau ideas will be our guide in this paper. Rousseau was born in 1712 to a French protestant family of Geneva. His theory of education was influenced by his political philosophy and the situation in France as at the time he was on stage. Rousseau was nicknamed a radical reformer because of his attack on the influence of the society on the individual which deprived him of his freedom and made him conform to the social order. He identified education as the instrument being used to perpetuate the inequalities in society. He believed that the society had moved too far away from the original state of nature. What was needed was a clean state, a newly reconstructed society along the line of original straight path. Rousseau described this ideal state in his "social contract" in which he depicted men in their state of innocence voluntarily coming together to enter into a bond or agreement to forego part of their personal freedom, rights and privilege and to confer there on an authority or a government, which he called the "general will". The government in return for these powers had the obligation to protect and defend the individual freedom, or whatever was left of it. These mutual rights and obligations were the reasons for the existence of any good government.

To realize this ideal political organization, Rousseau wrote 'Emile' in which he was saying, if it were possible to take children out of the system of education currently operating in France, and bring them up like Emile, the citizens thus educated would be inclined to abandon the corrupt society, enter into a fresh agreement, and make the "General Will" operate in the best interest of the society and the individual. As it was not possible to scrape the present set-up and start a new one based on the social contract, he took Emile out of a society, brought him up in isolated and in the state of nature in the hope of presumably that

he would be an example of what a well educated individual ought to be. Rousseau (1964) was of the opinion that a corrupt political system either breeds or is reinforced by an equally corrupt education system. He therefore propounded a completely child-centred approach to teaching up to his time the platonic-Aristotellain tradition has persisted, and this regarded the child as a miniature adult and the period of childhood as a period of stupidity to be quickly passed over so that the education for adulthood could begin. The new turn given to the conception of education by Rousseau is to the effect that Child-hood is good and innocent and that the child should be left to enjoy this period and learn from his own experiences and whatever is of interest to him. He said education is for the development of the child's ability to cope with his own problems and needs, and not a preparation for some long distant adulthood.

Rousseau was of the opinion that the education of the child should focus mainly on his own experience, his interests and his needs. The child is not to be crammed full with books or to be compelled to do what he is not interested in. He believed that it is the adult's over concern to see their children reach adult stages and their interference with the natural process of development that distorts and corrupts the natural education of the children. Rousseau's assumption that the child is naturally good and would naturally develop along good lines if uninterfered with by adults or environment is definitely debatable, because it seemed to have countered the prevalent Christian dogma of the original sin of Adam and Eve, a sin which all men inherited right from conception in the womb.

According to Ayeni (2003), Rousseau was of the opinion that the inner growth of our organs is the education of nature and our growth from childhood to adulthood and manhood is conditional by nature. Rousseau said man is born free, and everywhere he is in chains. Many a man believes himself to be the master of others, who is no less than they a slave. This implies that if by birth nature has made man to be free, it is his society that has made him to be in bondage. It is therefore an illusion for a man to think himself a master of other who are his master. By nature men are equal, but the natural inequalities which exist among men are their own makings.

There is another one which is the education of men that deals with the use we learn to make of the growth of our organs and faculties. While another one is the education of things which deals with what we gain from the experience of our immediate and external surroundings. Rousseau said plants are fashioned by cultivation, men by education. Out of the types of education listed by Rousseau the one that will correctly fit man for social existence is the education of nature. To him both the education of man and thing corrupt men. He said, "we are born weak, we need strength, helpless, we need aid, foolish, we need reason. All that we lack at birth, all that we need when we come to man's estate is the gift of education.

Rousseau's educational theory has three parts. One pertaining to private education of man, another, to public education of men and a third pertaining to women. Rousseau's views concerning the education of women are of considerable historical importance. He believed

that their psychological differences from men required education of quite a different sort. (Fasuyi, 2003). In Rousseau's education theory there are statement of fact about human nature and human history. With respect to the first, he discusses human capacities and their emergence from infancy to maturity. With respect to human history, he discusses the development of society from the life of primitive man to the period of civilization. Rousseau assures us that his statement concerning human nature are based upon his own observations of what is common to all men, regardless of rank and nation and that others would agree with him if they troubled to investigate the matter.

Rousseau holds that human being is a combination of soul and body just like the African belief of man. In working out his theory of human nature, Rousseau devotes most of his attention to the soul. The latter he holds possesses five capacities. Those of sense, feeling, desire, will and reason. His theory of human nature consists in a description of the way these capacities manifest themselves and in a hypothesis as to the order of their development in each person. The soul's capacity for sense is actually, a collection of six capacities. Rousseau adopts a classic view that there are five distinct powers of sensation and a sixth which presides over them in a certain way. The five are the capacities to smell, to taste, to touch, to hear and to see. The sense organs, the tongue, the skin, the ear and the eye are acted on by external objects and we become aware of smells, tastes, touches, sounds and sights. We are all acquainted with situation in which is infact not there. These experiences show that between ourselves and external objects there is a veil of sensation which we attend to directly as a result of the actualization of our powers to sense. The sixth sense, which Rousseau calls the "common sense" or reasoning of the senses presides over the other five by combining the sensation which are caused by a given object into a single idea of it. The purpose of public education according to Rousseau is to reproduce the national culture from one generation to another, to develop in the student the national character. This character expresses national manners, customs and tastes, but its chief trait is that it provides for those who wear it a spontaneous inspiration to work for the general will or good of the nation.

Rousseau orders the curriculum and administration education to promote this adherence to the general will. Rousseau believes that all public school students should participate in games regularly and these games should have a common goal, which all can aspire to achieve and should be played in the public. Rousseau justifies the recommendation of compulsory physical education on the grounds that it makes for health, discipline, equality, fraternity, competition and habit of living under public inspection and of needing public approval. Rousseau equally believes that curriculum should be administered through schools whose teachers and administration were public officials. He equally holds the belief that the schools should be administered by a central commission whose function should be to inspect teachers, to make certain that the national objectives are being realized and to advance or demote them as their performance warrants.

Rousseau was of the opinion that the method of teaching should be adopted to the stages of mental development of the child. He divided the education system into three levels

according to the ages of the children. Infant and childhood (12 years), boyhood (12-15 years), adolescence (15-25 years). For the infant and childhood stages, Rousseau recommended what he described as negative education” he believed that education at the level was to consist “not in the teaching of virtue or of truth, but in the preservation of the heart from vice and the mind from error. Rousseau also recommended that the child should be allowed to learn by trial and error and profit from his own action and mistakes, provided, of course that those mistakes are not too costly. This is a plea again that the child should be allowed to learn from his own experience and not be given to many do’s and don’ts until he rebels. Rousseau’s plea is for a degree of freedom for the child freedom to romp and play when he feels like it and not to be perpetually imposed upon and frustrate by the adults. (Fasuyi and Adeleye, 2010).

In the second stage which was the stage of boyhood, Emile could have a curriculum drawn up by his tutor. He was still to have no religious or morals preached to him other than whatever moral or religious experience he was able to pick up by himself. The reason for this presumably is that the language of religion and ethics are abstract and therefore beyond the child’s understanding. At the stage of adolescence Emile had gained confidence in his own ability to operate as an individual, he was now ready to be introduced into social education. God, religion and morality could now feature in his vocabulary and in his education. He could now look for a wife to marry, an ideal wife to suit his education. At this stage Emile was ready to be re-integrated into the society from which he had earlier been removed. Rousseau discussed three major ways by which a child could be educated. The first is the home, where the father and the mother are responsible for education of the child. The second is the school, while the third is the child’s environment.

According to Rousseau, the home’s education is the most important type of education, because only the parents could give the child the best form of education possible, the mother playing the most important part. He said the school’s education of the child, including the education the environment gives him usually corrupts him. Rousseau said “you must be a man yourself before you try to train a man, you yourself set a pattern he shall copy. This idea corroborates Akinpelu’s quotation of Rabindrana the Tagore, the Indian sage when he said “A teacher can never truly teach unless he is still learning himself (Akinpelu, 1981). A lamp can never light another lamp unless it continues to burn its own flame. Thus a teacher needs to continue to develop himself intellectually if he will assist in the intellectual development of his students. Rousseau continued “fit a man’s education to his real self, not to what is not part of him” what is important is the type of education a child receives, and the types of educator that educates him.

Rousseau explained the importance of good education. In relation to the concept of nature, good education may guide us in forming the correct habits to guide our behavior in the society of human beings. It may influence our perceptions of the reality of life regarding our joys and sorrows. In relation to the concept of society, good education can make us know the limits of our moral freedom and liberties in the society, knowing fully well that the society could call our moral freedom and liberties to question should we transgress their

limits as may be set down by societal norms. Good education can influence the governing style of the ruler over his subjects, once he realizes that excessive use of his power could be challenged by his subjects. Good education may also influence the behavior of every man in the society, to know the limit of the right he has to his life and the life of others and that should he trespass the limit as set down by societal norms, his right may be forcibly curbed. Good education may also give us the wisdom to bridge the gap of inequalities existing among nations.

From the above exposition of Rousseau's ideas or philosophy of Education one can in-form of summary explicate the following as Rousseau's contribution to the development of Education in Nigeria. Rousseau recognized, and quite correctly, that education is more than what takes place in the formal school system. The whole environment of the child is a resource for learning other than the teacher. He places premium on the home, and the parent as the chief educator of the child. This corroborates the African conception of traditional education "charity begins at home" Rousseau believes that life itself teaches. Moreover, Rousseau was of the opinion that the child is not a miniature adult and should not be treated as such, nor should his education consist mainly of preparation for adult life, this according to Rousseau could only destroy the joy and excitement of learning in the child. The Nigeria National policy on education equally recognizes this fact hence the policy classifies the curriculum according to the age and level of the children.

In addition to the above, Rousseau was also of the opinion that the teaching method, which should be child-centred be governed to a large extent, by the nature of some pre-conceived plan or blue-print, and certainly not by the dictate of the examination syllabus as now seems to be the case in Nigeria. It is undoubted fact that educators are now criticizing the examination orientation of our school today hence the idea of cumulative assessment grading of students was introduced by the New National policy on Education. The policy stipulates that students should be tested in the areas of psycho motto, affective and cognitive domains.

Furthermore, Rousseau equally believes that the readiness of the child for new items of learning has to be watched, and no new task should be presented to him until he demonstrates that he is ready. The deciding factor according to him is his eagerness of the new learning. This again tells us that the infallibility of examination is not an exception and because of his exception we cannot invalidate the usefulness of examination. To know the child's eagerness for new learning, a test must be carried out to verify his acquisition of the precious knowledge or learning. Thus examination once again becomes imperative and a vital instrument of assessment.

Also Rousseau believes that the child is a unique individual and should be studied and understood as such. The education of Emile is an ideal example of catering for the unique mode of learning by each child. This again reminds us of the importance our educational system places on child-study. The psychology of the child and his individual differences are of great importance to Nigerian educators. Thus Rousseau was of the opinion that the

teacher should cultivate affection for his pupils, should deeply respect their individual nature, and in general should be a sympathetic guide and adviser; in addition to his being an expert in an area of knowledge, under no circumstance should he impose himself or his ideas. Rousseau, as said earlier, believes that the purpose of public education is to reproduce the national culture from one generation to another, to develop in the student the national character, in view of this, he believes that education should be administered by a central commission whose function is to inspect teachers to be certain that the national objectives are being realized. Rousseau again recognized the importance of the development of the body and soul in the education of the child hence, he pleaded for Games to enhance physical education, the use of the senses and the importance of “Commonsense” or reasoning also became important in Rousseau’s philosophy of Education.

4. Conclusion

Based on the above assertion, one can say that Naturalism as being championed in Rousseau’s philosophy of education is as relevant to us in Nigeria today as it was during his days. His writing is frequently vivid, eloquent and epigrammatic. He expresses his ideas with great clarity, but their coherence with each other leaves much to be desired. Those ideas which are clear to us sometimes obviously bear upon one another, but often they fall into irrelevance or blatant incompatibility. In spite of this, shortcoming, notwithstanding, his educational ideas, had remained the cornerstone of our educational philosophy in Nigeria.

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Generation Gap and the Management of Students Discipline in Primary Teachers Colleges in Teso Sub – Region in Uganda

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Abstract. The study examined the relationship between generation gap and the management of students discipline in Primary Teachers Colleges in the Teso sub – region in Uganda. This was done with a view of improving the ethical conduct and professionalism of Grade three teacher trainees. The descriptive research design of the survey type was adopted for this study. The population for the study was made up of tutors and students from the PTCs in Teso sub-region. The sample consists of respondents selected from three PTCs in Teso sub region by use of percentages of which 50% of the Pre-service tutors posted and training in the selected colleges and 25% of the total number of students enrolled in those PTCs were computed. The study employed purposive sampling, stratified random sampling, and simple random sampling techniques. The researcher used self-designed questionnaires titled Generation Gap and Management of Student Discipline Questionnaire (GGMDQ) for both the tutors and students differently. The validity of these instruments was ensured through close guidance of experts in test construction while the reliability of the items in the questionnaires was established by carrying out a test-retest of the instrument and a reliability coefficient of 0.88 which was obtained at 0.05 level of significance. Three hypotheses were formulated to guide the study. The data collected were analyzed using descriptive statistics of means, standard deviation, percentages, inferential statistics such as t-test, and Pearson Moment Correlation Analysis were also used. The findings of the study revealed that there is no significant relationship between age difference and management of students discipline and that students' average level of perception are significantly different from teachers' perception on the use of ICT in relation to the management of student discipline. The study further found that there exist a significant difference in the average level of conflict of interest between tutors and students in the management of discipline. Therefore it was concluded that age gap is not a barrier to management of discipline in PTC schools, that the usage of ICT by students causes a high level of indiscipline among PTC students. Finally, conflicts in values is responsible for the observed indiscipline among students of PTC in Teso Sub Region. Basing on the findings it was recommended that

Tutors should combined their knowledge of education and training with their experience as parents in applying rules and regulations towards management of discipline among students. Tutors should endeavor to step up their confidence and expertise in ICT to be able to match up with their students to avoid a protectionist approach in media education. Students should avoid coming to classroom with phone and avoid using phone to watch phonography. Tutors and administrators should put more emphasis on values and ethics in the training of teachers in the PTCs

1. Background of the study

Generational gap is a term which popularly was used to refer to differences between people of younger generations and their elders and between children and their parents, and it was more commonly used in the Western countries especially during the 1960s (Collins, 2012). Generational gap is a term used to describe the differences in actions, attitudes, beliefs, customs, tastes, language, appearance and technology between any two generations, especially between youths and adults.

In this study, a generation gap in question is specifically that between students and their tutors. It is perfectly normal that teachers and students are not of the same age. In contrast to other public services, it is a distinctive feature of education that the professionals, i.e. the teachers, are older than their clients, i.e. the students. One could think of education as an institutionalized dialogue between generations, as a social space in which they interact. Through education, societies transmit the knowledge, skills, culture and values of a society from one generation to another, (Duchscher, 2004). From an educational point of view, the age of teachers is an important variable in the quality of teaching and learning environments. Ideally, students should be able to interact with a variety of generations of teachers. Each age group adds a specific dimension to the learning process. Older teachers bring quality associated with their experience, both with regard to professional experience and wider life experience. And younger teachers bring innovation associated with recent training and the enthusiasm of youth itself. But Modernization has led more and more to age segregation-in schools, work place, and in the community (Mukama, 2005).

Management is the act of getting people together to accomplish desired goals and objectives using available resources. According to Fayol, (1916) management is planning, organizing, communicating, coordinating and controlling resources for the achievement of organizational goals. It deals with the establishment of law and regulations and therefore management of students discipline is a rational, objective and practical approach to the issues of discipline (Ojedapo, 2011). It implies the training of the mind and the character based on sound and constructive policies, rules and sound educative principles in handling students' discipline.

In line with this study discipline is regarded as obedience of rules and regulations, abiding by the teachers code of conduct, exhibiting high professionalism and a manifestation of an outward mark of respect in accordance with standing agreements and that, discipline is the one thing in learning that everyone expects and wants. Most educators agree that discipline is the one thing that can make or break a school, for without it, a teacher's finest efforts may go to zero. The main goal of discipline in both school and home should be to produce young people who will be responsible when they become adults. (Anangisye, 2010).

Principals and tutors are the managers of student's discipline. They plan, control, command, organise and coordinate all the activities that take place in the college and manage the discipline of students by trying to correct students whose conduct is not satisfactory in order to achieve success of the planned activities (Mbua, 2003). In this connection, Principals keep records of students' indiscipline and are in better position to explain to other stakeholders, especially parents on the conduct of their children Mbua, 2003). Thus every school administrator requires a good measure of discipline in his institution.

In fact educators and government authorities recognize discipline as a precursor of success in all school curricular and co-curricular activities, he added. Education is a vital tool through which societies socialise their members. Through education, societies transmit the knowledge, skills, culture and values of a society from one generation to another to ensure that no generation gets left behind. He continued to say the orientation is done by means of preparing and producing not only academically and pedagogically competent teachers, but also professional teachers who are able to live up to the highest moral standards of their profession..

When students take the choice of becoming prospective teachers, through pre-service training or in-service training, going through practice period, it should be understood that it is completely a part of teacher training. For this reason, teacher training process has been regarded as one of the most important issues of the education system. Teachers play a pivotal role as front liners in every education system. Their role is not simply that of disseminating knowledge or imparting information. It goes far beyond as theirs is the role to create a stimulating learning environment to ensure that all students reach their full potential. They are role models within themselves for their learners who, consciously or subconsciously, emulate their behaviour. They instil values and morals that will influence the lives of their learners and theirs is the responsibility to understand the needs of their students even outside the school walls (Kildan, 2013). The teachers' professional ethics oblige a teacher to be guided by common sense and logic in both speech and actions. They also require the teacher to exhibit a high level of personal and environmental cleanliness, smartness, decency, patience, punctuality, objectivity, diligence, regularity, orderliness, and responsibility. The teacher is also obliged not to do anything that may place the profession in disrepute, and to live up to the highest standards of the profession. The teacher must be self-motivated and should maintain a high level of personal discipline, as well as having the pupil's interest as paramount. Enforcement of the professional ethics is ensured and guaranteed by the statutory instruments that prescribe what constitutes professional misconduct.

During the 1980s and 1990s teachers and teacher trainees exhibited high level standards of discipline. It is important to point out that, many of the primary Teachers Colleges in Uganda today, were established by the missionaries and they became the foundation bodies of these Colleges. One of their prime purposes was to evangelize and civilize the nations by using education to bring about change and modernity in Africa. Among the principles which the missionaries wanted to achieve through education include the following: the principle of the dignity of the human person, respect for human life, association and participation, protection of the poor and vulnerable, solidarity, stewardship, human quality and the common good. So the teachers of that time followed the ideals of the foundation bodies, for it was considered that a system which trained the mind and body without spiritual and moral training was a failure.

The problem of Generation gap is a Global issue spanning political, economical, geographical racial and even gender boundaries (Muraguri 2005). In view of time and space compression with new technologies being an important facilitator of global interconnectivity, globalization has made the world akin to a small village through the speedy, free movement of people, services, capital, goods, ideas and knowledge across national borders, encompassing the entire globe (Abri 2011). Kim, (2008) affirms that Generation gap is real and exists at all levels in society. While generation gaps have been prevalent throughout the two periods of history, the differences of these gaps have widened in the 20th and 21st centuries. Generation gap is not only a challenge in families but also in places of work. Problems arise from differing mind-sets, communication styles and the conduct of people born in different eras. It is assumed that this friction may be aggravated by new technology and behavioural patterns that mix people of different ages in the ever-changing teams (Abri, 2011).

Similarly in Uganda, Ugandan Professional teachers have so often also been implicated and even convicted for defilement and other sexual related behaviours (SRB) with their clients, theft, and academic dishonesty. This is unprofessional behaviour exhibited by a professional teacher. Nakyanzi (2004:6) argues that there is a strain in Ugandan schools as arising out of the unprecedented level of misbehaviour, born from increased pornography gathered from the Internet, the sparkling urban commercial cinemas, home theatres giving rise to enormous learner delinquency.

Comparing this with the 1980s and 1990s generation, cases of indiscipline were not as enormous as they are in this 21st century. Actually there were very few cases of aggravated indiscipline that ended up in the Principals offices to seek that level of administrative decision (MoEs 2011). Cases were managed by the student leaders and perhaps the tutors on duty or those who were directly in charge in regards to the nature of the indiscipline and the responsibility held by the tutor. It is disappointing to note that, even when the top administrator takes administrative decisions and serves the students with the penalty as according to the college rules and regulations, some students seem not to feel the pain or even get affected by the decision taken on them. This was never the reaction of students of the 80s and 90s even to any penalty however light it was. Those students were responsible and mature and cases of indiscipline were few.

Recognizing the value and importance of education in Uganda, one of the broad aims the teaching profession is destined to meet is; 'To inculcate moral, ethical and spiritual values in the individual and to develop self-discipline, integrity, tolerance, human fellowship and respect for public property'. This statement clearly states that a student on teacher training must be well discipline to possess the qualities of a professional in the teaching profession. Anangisye, (2010) emphasize that, by virtue of joining the teaching profession or education sector, school, college, and university teachers are obliged to ethical lives. The process of teacher training and education is tailored along this line with the overall aim of broadening and deepening the trainees' academic knowledge of the teaching subjects so as to produce a competent, reliable, honest and responsible teacher who is highly motivated, conscientious and efficient. The products of teacher education and training must also possess attitudes of development, respect for work, loyalty and self-reliant and poses accepted professional ethics and an inquiring mind. The quality of the teaching profession and of education in general, depends largely on the quality of the teachers.

Failure to observe the principles and ethics and the expected discipline required of teachers puts the process of education into of a country to a worrisome and serious danger and eventually crisis because the quality of education of a nation determines the quality of the economy of that nation and the quality of education of a nation is determined by the quality of its teachers. It is important to note that, the ethical character of teaching rests on the fact that it constitutes a human action undertaken mainly for the benefit of human beings as the moulders of the future generation, having explicit concern for human needs and public good (Pring, 2001)

2. Statement of the Problem.

One of the broad aims the teaching profession is destined to meet is to inculcate moral, ethical and spiritual values in the individual and to develop self-discipline, integrity, tolerance, human fellowship and respect for public property'. The teaching profession puts discipline of its members at the front lines of training the teachers.

Irrespective of the ideals expected to be exhibited by teachers, the researcher had observed that, there was a break down in the discipline of students, misunderstanding and lack of harmony between students and tutors tending to the indicators of an existence of a generation gap between the two age cohorts; students and their tutors. Students had become uncontrollable and highly disrespectful to themselves, teachers, school administrators, and to society at large.

Personal observation students portrayed different types of indiscipline behaviour among which include the following acts; boycotting of lessons, watching and practicing pornography, lies telling, violence, dishonesty, disobedient to both teachers, prefects, and school administration, acts of immorality with class mates and even pupils whom they were teaching during school practice and some of them were also engaging in alcohol consumption. Some students were engaging in pre-marital sex and some female students could get pregnant when still on course, cases of indecent dressing where some students dressed in more provocative way - female students wearing skimpy and transparent dresses While the male students had their trousers indecently pulled down, a dress style they called '*balance*' or *pull down*.

There was observed frequent absenteeism and rampant sneaking out from the dormitories in the darkness, from class and general college programs without the knowledge of college authority! This posed a Challenge on tutors in managing students discipline and it was greatly affecting the quality of teaching and learning, in the training of teacher. The cause of the student's unrest in this 21st century in the PTCs was not known. It is on this cause that the researcher got moved to find out the major causes and contributors of the students' indiscipline in PTCs of Teso Sub – Region and the interest of finding lasting solutions to this problem

3. The purpose of the study

To find out whether Generation gap affects the management of students discipline in the PTCs in Teso sub-region with a view of improving the ethical conduct and professionalism of Grade three teacher trainees.

4. Research Hypotheses

- (i) There is no significant relationship between the age difference of Tutors and Students and the management of discipline among students in PTCs of Teso Sub Region.
- (ii) There is no significant difference in the average level of perception of ICT usage and management of students’ discipline between tutors and students
- (iii) There is no significant difference in the average level of conflict in values and management of students’ discipline between tutors and students

5. Methodology.

The descriptive research design of the survey type was adopted for this study. The population for the study was made up of tutors and students from the PTCs in Teso sub-region. The sample consists of respondents selected from three PTCs in Teso sub region by use of percentages of which 50% of the Pre-service tutors posted and training in the selected colleges and 25% of the total number of students enrolled in those PTCs were computed. The study employed purposive sampling, stratified random sampling, and convenience sampling techniques. The researcher used self-designed questionnaires titled..... for both the tutors and students differently. Since the researcher was mainly concerned with views, opinions, perceptions, feelings and attitudes and the questionnaire was the most ideal instrument for this purpose. The validity of these instruments was ensured through close guidance of the Supervisor while the reliability of the items in the questionnaires was established by carrying out a Test-retest of the instrument and a reliability coefficient of 0.88 which was obtained at 0.05 level of significance.

6. Results and Discussion.

Hypothesis1: There is no significant relationship between the age difference of Tutors and Students and the management of discipline among students in PTCs of Teso Sub Region.

Table 1 showing Pearson Moment correlation between age difference of Tutor and Students and Management of Students Discipline

Correlations			
		AGE DIFFERENCE BETWEEN STUDENTS AND TUTORS	MANAGEMENT OF STUDENT INDISCIPLINE
AGE DIFFERENCE BETWEEN STUDENTS AND TUTORS	Pearson Correlation	1	.195
	Sig. (2-tailed)		.424
	N	19	19
MANAGEMENT OF STUDENT INDISCIPLINE	Pearson Correlation	.195	1
	Sig. (2-tailed)	.424	

	N	19	19
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P> 0-05

From the above table it is revealed that obtained correlation coefficient of the relationship between age difference in students and tutors and the management of student discipline was 0.195 which is a weak, positive but not significant relationship with a p-value of 0.424 which exceeds the alpha value of 0.05. Thus, the null hypothesis will be accepted and it will be concluded that there is no significant relationship between age difference in students and tutors and the management of student discipline. The conclusion here is that age gap is not a barrier to management of student discipline.

Hypothesis 2: There is no significant difference in the average level of perception of ICT usage and management of students' discipline between tutors and students.

Table 2. Summary of t-test analysis showing difference in the level of perception of ICT usage and management of discipline between tutors and students.

	PERCEPTION	N	Mean	Std. Deviation	Std. Error Mean	Df	Sig
Perception	STUDENT	197	15.1421	5.87542	.41861	214	0.01
	TEACHERS	19	14.9474	2.59216	.59468	39.364	

P>0.05

The table above revealed that the mean value of student perception was found to be 15.1421 while that of tutors was 14.9474 and in the same vain the difference was found to be significant with a p-value of 0.001 which is below the alpha of 0.05. The hypothesis is therefore rejected and it will be concluded that there is a significant difference in the average level of perception of ICT usage and management of students' discipline between tutors and students.

Hypothesis 3: There is no significant difference in the average level of conflict in values and management of students' discipline between tutors and students

Table 3. Summary of t-test analysis showing difference in the level of perception of conflict in values and management of discipline between tutors and students.

	PERCEPTION	N	Mean	Std. Deviation	Std. Error Mean	Df	Sig
Conflict	STUDENT	197	12.8426	5.65601	.40297	214	.023
	TEACHERS	19	18.5789	3.65629	.83881	27.135	

P>0.05

From the above table it is revealed that the mean value of student perception was found to be 12.8426 while that of tutors was 18.5789 and in the same vein the difference was found to be significant with a p-value of 0.000 which is below the alpha of 0.05. The hypothesis is therefore rejected and it will be concluded that there is a significant difference in the average level of conflict in values and management of students' discipline between tutors and students

7. Discussion of the findings.

The result of hypothesis one revealed that there is no significant relationship between age of students and tutors and the management of discipline in PTC schools in Teso Sub Region. This finding disagrees with the submission of earlier researchers such as Damme (2014), who stated that, it is ideally normal that teachers and their students are not of the same age. He further explained from an educational point of view that since teachers are older than students, this age is an important variable in the quality of teaching and learning environments. That older teachers bring quality associated with their experience, both with regard to professional experience and wider life experience. The reason for the disagreement could be that common sense would expect that a teacher is expected to be older than their students, more so that teachers teach and manage student discipline out of their professional training and education.

In the same vein Seema (2014) confirmed the existence of a generation gap between the teacher and the students, agreed that generation gap does exist between teachers and students at all levels especially in the ever changing modern world. Why this finding defers could be attributed to the fact that teachers in their course of discharging their duties will devise their own ways of overcoming these hurdles of indiscipline and guide their students well. Since the teachers know that there is a gap between them and the students in terms of the expectations, sources of knowledge available, the career goals, the study skills and the like, they can easily overcome this problem and help the students receive what they want. Thus, it is reasonable to know that to know that education systems benefit from a balanced age distribution among teachers because adolescents generally connect and identify better with younger teachers who can read and understand their behaviour, their issues, their culture and values, teachers whose world view is not too remote from their own. So they expect that they will have a greater understanding of their life world and the challenges related to growing up in modern societies

The researcher therefore concludes here that since education is a means by which an institution dialogues between generations and societies transmit the knowledge, skills, culture and values from one generation to another, with the awareness that students are not just passive recipients of former generations' knowledge and values. They transform and build upon them, thus influencing the development of societies. Especially in a period of rapid social change, the dialogue between generations is critical to ensure that no generation is left behind most especially in managing discipline among students.

In hypothesis two it was revealed that the perception of Tutors on students' usage of ICT was bad and a threat to management of discipline among students. This finding agrees with Elsaadani, (2012) who posited that differences have been revealed in the way teaching staff and students perceive and use ICT in their private and academic lives. This is attributed and explained by the different roles played by each party in the different contexts of their lives and the required tasks they need to accomplish. Various types of ICT would be more

suitable for each context and situation, rather than age-related differences. It is notable to point out that tutors are not crazy over ICT. The only ICT gadget commonly possessed and used by them is the phone and just a simple phone specifically for making phone calls and occasionally for sending and receiving phone messages. Possession of smart phones for other uses like internet use is less important to a tutor of the average age of 50 years. The report in Daily Monitor (2013) pointed out that, the negative aspects associated with using these devices at school include, among others, their capability to divert students away from academic issues to non-relevant issues. This is especially true when one is exposed for long hours to social media. Competition of having the latest gadget is also often a negative vice that mushrooms among students forcing some to steal in order to keep up appearances. Some students are overwhelmed with having the latest gadgets that they sometimes resort to stealing. Tutors gave reasons why they have bad perceptions on students' use of ICT as the gadgets carry information and pictures, including pornographic material that easily distract students from their studies Mbua (2003). They also refer to the recent rage of videos and nude photographs, immoral pictures and videos posted on net and accessed from social media platforms such as Facebook and Whatsapp. They believe that these digital devices are all the rage among young people they have left many school heads jittery over the likely impact they will have on students. It is believed that these devices are increasing student indiscipline in colleges, killing students' creativity and learning opportunities for the better. This information is got from an investigation on ICT use by the students of secondary school however no study has been done on the use of ICT by the teacher trainees. They went further to explain that ICT has compromised on the learners intellectual beings. Before the late 1990s learners used to calculate mathematical concepts mentally. But today teachers at PTCs cannot calculate simple mathematical concepts mentally. A teacher trainee will look for a calculator to do the computing for him or her. Ninsiima, (2015), disagreed when he observed that the use of smart phones, iPads, MP3 players, laptops is no longer debatable because they aid learning. In same vein Nsubuga (2015) the director of basic and secondary education at the Ministry of Education in Uganda, was quoted in the press stating that schools should allow students to use information and communication technology (ICT) gadgets, including smart phones in schools, in order to improve learning and teaching. He added that teachers must appreciate that the world has changed and some rigid school rules of the 1980s and 90s are no longer applicable in this dot com era. . Although Liisa, (2008) comments that, the use of ICT has been appreciated by many, but there have been criticism, resistance and scepticism on its use in schools, especially by teachers and managers. . Kim, (2013) expresses that, the digital dividend is the major challenge most teachers and managers are experiencing today. Not every staff in an organization has adequate knowledge in ICT. That social discourse defines young people as the 'digital generation' and emphasizes the 'generation gap' which arises from their media associations and influences the school setting.

This aspect will be concluded by the submission of Kim, (2013) that the more confident teachers would be in their ability to use the Internet, the less likely they would feel that students know more about the Internet than they do. Teacher's lack of confidence, backed up by the digital generation discourse, and their attempts to maintain their position as experts, often results in the teachers returning to a protectionist approach in media education, or sticking to their area of expertise and probably their reason for maintaining discipline among students appropriately and effectively.

Finally, hypothesis three also reported a difference in conflict in values between tutors and students and management of discipline among students.). This agrees with the position of

Okumbe, (2001) who says that teachers are supposed to be role models or a shining example at all times. A good high school teacher bears a striking resemblance to a good parent.

Among the qualities of a good parent that a tutor must exhibit is that of modelling behaviour. This was supported by Secada (2008) that highly qualified and engaged tutors passionately believe that they make a difference in the lives of students who are indisciplined by changing them to be persons of substance because of their teaching practices and personal concern for their students, the centrality of teacher education and training is connected with having modestly disciplined students of good ethical character irrespective of age, belief, attitudes and all those aspects of life styles that come as a result of change of status quo of society. Apparently, despite quality in values mentioned above, and the expectation of the teaching profession, conflicts have always emerged between parties who are the providers for training in preparing new teachers for their tasks because philosophies about 'goodness' vary and are occasionally in opposition. More importantly though, is the conflict experienced by student teachers about what can and should be learned in order to become an effective teacher. College tutors have been swept away, by the high level of moral decay among the students. Fauske (2006) express that, there is a growing body of evidence globally indicating that teachers, teacher educators, and lecturers also engage in professional misconduct. So often, teachers are implicated in sexual related behaviours (SRB) with their clients, theft, and academic dishonesty.

The researcher therefore concludes by the quote of Snook (2003) who pointed out that, because education aims to change people in particular ways, and uses methods which involve close, personal, hierarchical relationships, teaching is an occupation where ethical issues are central and therefore the provision of ethic education to support the code of professional conduct of teachers is crucial in managing discipline in teacher training schools.

8. Conclusion and Recommendation.

Therefore it was concluded that age gap is not a barrier to management of discipline in PTC schools, that the usage of ICT by students causes a high level of indiscipline among PTC students and finally, conflicts in values is responsible for the observed indiscipline in students of PTC in Teso Sub Region.

Basing on the findings, it was recommended that Tutors should combine their knowledge of and training with their experience as parents in applying rules and regulations towards management of discipline among students. Tutors should endeavor to step up their confidence and expertise in ICT to be able to match up with their students to avoid a protectionist approach in media education. Students should avoid coming to classroom with phone and avoid using phone to watch phonography. Tutors and administrators should put more emphasis on values and ethics in the training of teachers in the PTC

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Political Education and Grass-root Participation in Nigerian Politics

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Abstract. This paper discussed the contributions of education to politics as medium for grass root participation. It emphasized the fact that participation in politics is as a result of the achievement in education. This stressed the reason why the whole world focused more attention on education as an instrument of enlightening the people especially from the grass root to embrace politics with consequential hope of human advancement in terms of living conditions and exposure. Education is an instrument par excellent that breaks barrier of communication in any nation with different languages like the case of Nigeria; it is the life of a nation who believe in oneness, and also the foundation of moral regeneration and revival of its people. It has been observed that no nation rises above the level of its education since it is the only medium by which individual has to develop themselves. For effective participation in politics especially the grass root, education has to be given its rightful place as proper funding from federal, state and local governments should be made a priority to make the sector produce the desired results which will stimulate political participation. In Nigeria for instance, much is not being derived from the education due to neglect on the part of government, corruption, policy discontinuity, infrastructure decay and lack of man power. To make the grass root participate in politics fully, education should be a priority and corruption be seen as death trap. Useful suggestions and recommendations are made.

Keywords: Education, Politics, Political Participation, grassroots, Nigeria.

1. Introduction

Education is an important factor that shapes the live of people in any nation. Being investment in human capital development, it plays a critical role in long-term productivity and growth in politics at all levels. This explains why the state of education in Nigeria continues to be our national discourse at all levels. Education at all levels has negative and positive impact on a nation's moral, cultural and political sustainability. It is important to know that education contribute meaningfully to national development politically. In the Nigerian context, for the sector (i.e, education) to contribute meaningfully to national

development therefore, there should be proper funding of education to cater for this developmental need politically. If this is done, Universities in Nigeria will not have any need to embark on industrial actions as there will be improved welfare and modern and reliable infrastructure in the primary, secondary and tertiary institutions in the country. More so, there will be no more brain-drain as research activities will be effectively carried out and examination misconduct will be eradicated or reduced and the sector will contribute meaningfully to national development politically. Abubakar and Murtala (2010) stressed that something urgent has to be done in the educational sector since 'illiterates' are leading Nigerians. But the problem with Nigeria is that there is no difference between an educated president and not so enlightened ones in terms of their leadership. Irrespective of the above observation, the main focus of this paper remains the role of education in politics towards grass root participation.

2. Conceptual Clarifications

2.1 Education

In this paper, there are certain concepts like education, Politics and Political Participation. This is done for proper understanding and good grasp.

In the word of Fafunwa (1974), education is what each generation gives to its younger ones which make them develop attitudes, abilities, skills and other behaviors which are the positive values to the society in which they live. Education is seen as the total development of the individual through acceptable methods and techniques according to his/her abilities and interests to meet up the needs of the society and for the individual to take his/her rightful place and contribute equally to the enhancement of the society. **According to Dictionary.com, education is the act or process of imparting or acquiring general knowledge, developing the powers of reasoning and judgment, and preparing oneself or others intellectually for mature life.** Scholarly institutions, such as universities and public schools, are typically used to administer education. Education has played an important role in the development of modern society, explains Psychology Today. Through education, people gain knowledge and skills, enabling them to become productive members of society and participate in the political development of their states. This paper supports this definition of education.

2.2 Politics.

Another concept to be explained here is Politics, Leftwich (1984) opine that politics implies measures which could and should, in the views of their devisor, be implemented in the hope to create a better society, than that which is already present. The very fact that Plato and Aristotle saw imperfections in the societies, in which they lived, prompted them to write their political philosophies. These philosophies provided the first written recognition of politics. In his writings his "The Politics", Aristotle states that Man is by nature a political animal in another words, it lies deep within the instinct of man. It is almost primal. Due to his nature man should consider and realize his role within the "polis". So according to Aristotle Politics is not a dreamt up concept, but rather an inherent feature of mankind. Politics comprises all the activities of co-operation and conflict, within and between societies, whereby the human species goes about organizing the use, production and

distribution of human, natural and other resources in the production and reproduction of its biological and social life." (Leftwich, 1984).

2.3 Political Participation.

Weitz-Shapiro and Winters (2008) stress that Political participation in a democracy can take many forms, ranging from voting for representatives at regular intervals to voting on policies in referenda, forming political groups, and engaging in legal or illegal protest. The individuals engaged in such participation likely expect or at least hope that these actions will have some impact on the content of government policies. However, the effects of political participation might not be limited to outcomes. Political participation might also affect individual life satisfaction and happiness.

In this article the term "political participation" will refer to those voluntary activities by which members of a society share in the selection of rulers and, directly or indirectly, in the formation of public policy. These activities typically include voting, seeking information, discussing and proselytizing, attending meetings, contributing financially, and communicating with representatives. The more "active" forms of participation include formal enrollment in a party, canvassing and registering voters, speech writing and speechmaking, working in campaigns, and competing for public and party office. Participation here would not be possible without education. Okolie (2004) perceives political participation as "freedom of expression, association, right to free flow of communication, right to influence decision process and right to social justice, health services, better working condition and opportunity to franchise". Political participation according to Agbalajobi (2010) entails various variables of participation but basically, voting in elections, contesting elective (public) offices. This of course is different from representation. Representation basically involves elective/public offices held in relation to other representation. Education shape the mind set of individual to be able to participate in the political process of their state especially in the grass root level.

2.4 Contributions of Education to Political Participation at the grass root level

The focus of this paper is to look at the roles of education in politics towards grass root participation. Prominent among the points to be considered here is that education supplies the needed knowledge for political participation. Afolabi and Loto (2012) support this argument by stating that a developed or educated polity is the one that has enough manpower and each person occupies his or her rightful position to enhance the growth of the society. To support this, Ajayi and Afolabi (2009) have also remarked that education is largely perceived in Nigeria as an indispensable tool which will not only assist in meeting the nation's social, political, moral, cultural and economic aspirations but will also inculcate in the individual knowledge, skills, dexterity, character and desirable values that will foster individual participation in politics. From the definition of education given above, it is clear that education trains an individual to be useful in the society and to meet up the need of the society for political development. Therefore, it should be clear that without education, a

nation cannot get the needed knowledge to enlighten its citizenry. In this regard, Obasanjo (2012) stresses that education trains individuals to relate to and interact meaningfully with others in the society and to appreciate the importance of effective organization for human progress politically. Here, the school system within the educational system fosters this knowledge. The school brings people of different cultural backgrounds together for a common purpose. This promotes mutual co-existence among the different students. Learners who strongly identify with their school are thought to have a more positive attitude towards teachers, other learners and the entire educational institution.

In the school system, there are politics and other activities in existence. Learners who participate in these activities and politics gain experience in working with others outside the individual organizations and to some extent in working and competing with outside groups with minimum friction and this goes a long way to promote national unity and peaceful co-existence which will lead to political grass root participation. Sometimes, organizations not formally sponsored by the school in some cases make arrangements to use school facilities when classes are not in session. Learners derive benefits from their association with these groups in the same way they profit from participation in school sponsored organizations. By doing this, education provides a setting within which different learners' organizations flourish and a context for helping young people learn appropriate patterns of interpersonal relations. In these classes, learners meet people from different social, ethnic and cultural backgrounds from their own. Here, male-female relationships begin to develop as young people mature. It is obvious education through the system inculcates much to learners beyond the prescribed academic curriculum and also encourages the political development of social behaviours that will be useful to them as adulthood. Education also promotes the culture of productivity by enabling individuals to discover the creative potentials in them and apply same the improvement of the existing skill and technique of performing specific tasks, thereby increasing the efficiency of their personal societal efforts (Obasanjo 2012). Education teaches or trains people to be useful to themselves and the society they live. By this, they have to be knowledgeable and discover their potentials and use this to perform specific tasks to attain self-actualization. Education also develops in individuals those values which make for good citizenship, such as honesty, selflessness, tolerance, dedication, hard-work and personal integrity, all of which provide the enable environment from which good leadership potential is nurtured. From the above, it is clear that education has a critical function in grass root participation in politics. But in the Nigerian context, education has not fully played its roles in this regard. This is as a result of certain inherent problems in the Nigerian education system. The problems range from inadequate funding to corruption to favoritism among others. Education is no doubt, directly linked with the processes of knowledge building and development. Education in Nigeria has not been properly funded and this leads to political apathy by the citizens, political thugery, corruption, poor infrastructure development in the universities, secondary and primary schools. This poor infrastructure makes the environment very hostile. This explains why highly placed Nigerians like senators and state legislators are cruel in their dealings with the citizens.

2.5 Problems Militating against Political Participation at the grass root level

One of the problems is discrimination in the voting pattern for candidates and allocation of political offices base on sentiment. It is men that constitute a large percentage of party membership which post threat to women counterpart especially in the grass root level. Most times women are excluded from the formation stage of political parties. This is so because according to Arowolo and Aluko (2010) the nature of political party formation usually begins in form of club and informed meetings initiated by male friends and business partners. It is when the structures are already in place that women and others are invited for membership. This denies them the benefits accruing to foundation members. This in no small measure affects women when it comes to selecting or electing candidates for election even ones with education background. Also, men being in the majority in the political party setup, accounted for their dominance in the party hierarchy as well as gaining advantage in influencing the party's internal politics even with 35% affirmative action initiated by president Good luck Jonathan.

Lack of adequate education to the electorates also manifest as problems because large percentage are illiterate and do not fully involved in political participation. This is due to the fact that most families do not give equal opportunities to their children; they prefer to send their sons to school instead of their daughters. The latter is believed will get married and be incorporated into another family thus leaving a large number of girls uneducated and unexposed. Hence they become ignorant of the written and unwritten rules that protect political participation.

Another crucial problem to effective political participation in Nigeria politics at the grass root level is lack of adequate finance. Strong economic base is a strong factor in electioneering campaign giving the politics of money that is evident in Nigeria. Nigerian politics is capital intensive requiring a large amount of money to organize and mobilize support. For instance, the cost of gubernatorial elections could be as high that would scare people from participation. Nigeria politics are characterized by violence, thuggery, high level of intimidation and most times rowdy with political thugs taking the centre-stage, hurling insults and brandishing all sorts of weapons. Given such turbulent scenario and a perception of Nigerian politics as that of violence, continued fright at the thought of violence has further alienated some electorates from participation in politics at the grass root level.

2.6 Benefits of Political Participation

Political participation promotes harmony among members; this is reflected in the political parties in Nigeria, the PDP, APC, and Labour among others. The parties' hierarchies protect and love their members irrespective of tribes, religions and financials status. The parties unite together and face what so ever tactics the opponents may come with.

Theoretical literatures on procedural utility and the psychological benefits of political participation suggest that people who participate in political activities will be more satisfied with their lives because of the resulting feelings of autonomy, competence and relatedness. Political participation is also likely to increase an individual's base of knowledge and, consequently, her sense of competence. Feeling competent contributes to one's sense of self-worth and self-esteem.

In his philosophical statements on education, John Dewey asserted that participation yields information; he describes how "acting within the world" can result in increased knowledge. Thompson and Jane Mansbridge have described how this actual information gathering leads to a stronger sense of self. Thompson (1970) stress that "A citizen cannot be said to know what his interests are until he participates to some degree" while Mansbridge (1983) describes political participation as "necessary for personal development, to make one fully human, broad in outlook, and conscious of one's own interests. Political participation might increase citizens' knowledge and competence about specific issues, and also, perhaps more importantly, about the nature of political process and even their own rights as citizens. By learning about candidates in advance of voting or by participating in town meetings, an individual engages in political discussion that generates a common understanding about issues, leaders and the political system itself. This is likely the type of educative effect that Alexis de Tocqueville had in mind in his comments on the jury system, one of the most explicitly deliberative forms of participation: "I do not know whether a jury is useful to the litigants, but I am sure that it is very good for those who have to decide the case. I regard it as one of the most effective means of popular education at society's disposal (Elster 1997).

3. Conclusion/Recommendations

This literature gives us reason to suspect that people who participate in grass root political activities will be more satisfied with their lives, not necessarily because of policy outcomes but rather because of the feelings of autonomy, harmony, competence and relatedness produced through political involvement. However, it was discovered that education is the only medium through individual derived confidence to fully participate in the political processes. This paper suggests that government at all level should give priority to education of its citizens to fully understand the benefit of involvement in the political process of the state. Educated electorates are more enlightened and useful to themselves and the society they live because they have knowledge and discovered their potentials and use this to perform specific tasks to attain self-actualization. Education also develops in individuals those values which make for good citizenship, such as honesty, selflessness, tolerance, dedication, hard-work and personal integrity, all of which provide the enable environment from which good leadership potential is nurtured. It is recommended that Nigeria should emulate western countries by paying more attention to education and allocate required budgetary allocation to the institution to produce require result for political participation.

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Part Six
Legal Studies



Right to Health and Medical Liability

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Abstract. The practice of medicine is intricately intertwined with right to life, a human right recognized in many international instruments and all national ground norms. Medicine saves, preserves and enhances life. Right to health is a legal category which has the implication of saving and enhancing quality of life. However, unlike right to life, it does not enjoy universal acceptance in many national legal instruments. On the contra, a number of international instruments clearly recognize this right, defined as a universal minimum standard of health to which everyone is entitled. According to article 25 of the United Nations' Universal Declaration of Human Rights ,1948 "everyone has the right to a standard for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services". More explicitly, in the International Covenant on Social and Economic Rights, 1966, the States Parties are to recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Only a few nations have domesticated this international commitment. It is essential investigating the nature and extent of liability of government, hospitals and medical practioners arising from this right. Certainly, medical liability in jurisdictions where the right is recognized is more conspicuous than those where it is not. Even then, there have been questions about the extent and nature of such liability. This research examines right to health and studies the implication on the nature and extent of medical liability government and medical practioners.

Keywords: Right to health, right to life, medical liability.

1. Introduction

Society as a whole is moving towards a right- based approach. This is reflected in many aspects of life, including our increasing desire to participate in decisions that affect us directly and increasingly to express our desire for control. There is need for respect for the autonomy of patients as a form of recognition of the attributes that give humans their moral uniqueness. This includes not just the right to self-determination about our bodies and how they are treated but also to information about us, our lifestyles and our health. The right to health includes a wide range of factors that can help us lead a healthy-life including safe drinking water and adequate sanitation, safe food, adequate nutrition and housing, healthy working and environment conditions, health-related education and information and gender

equality. However, the main focus of this research is on access to health care. A large percentage of patients in the hospitals experience a medical error, many of which are preventable. Increasingly, patients take their doctors and/or their hospitals to courts of law for failure to meet the expected standards of care. This research explores the meaning of the right to health and emphasizes its relationship *interse* with medical liability which lead to cause of action in negligence or criminal liability.

2. The Right to Health

The right to health is a fundamental part of our human rights and of our understanding of a life in dignity. Internationally, it was first articulated in the 1946 Constitution of the World Health Organization (WHO), which defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The preamble further states that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.” The right to health on the other hand, does not mean the right to be healthy nor does it mean that poor governments must put in place expensive health services for which they have no resources. But, it does require government and public authorities to put in place policies and action plans, which will lead to available and accessible health care for all in the shortest time possible.

The Universal Declaration of Human Rights (UDHR) broadly considered a common standard of achievement for all persons and nations enumerates specific rights to which all persons are entitled without distinction of any kind, that is, among others, color and race. It sets forth a series of social and economic rights, among them being a right to a standard of living adequate for the health and wellbeing of oneself. On the other hand, the International Covenant on Civil and Political Rights incorporates the right to life, security of a person, freedom to seek, receive and import information, all of which are relevant to the right to health. It incorporates the right to freedom from torture and cruel treatment. The International Covenant on Economic, Social and Cultural Rights provides the fullest and most definitive right to health. It says that the right to health includes the right to physical and mental health.

Health and human rights are both powerful modern approaches to advancing and defining human rights violations. Emphasizing the interdependence and indivisibility of rights, the UN Committee on Economic, Social and Cultural Rights (Committee on ESCR), which monitors state compliance with the CESCR, has elaborated on this right and noted that ‘health is a fundamental human right indispensable for the exercise of other human rights’. On the interdependence of health and other human rights, it has observed that the right to health is closely related to and dependent upon the realization of other human rights, as contained in the International Bill of Rights, including the rights to food, housing, work, education, human dignity, life, non discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement. The right contains a number of interrelated and essential elements: availability and accessibility, which includes physical, economic and information accessibility; and acceptability and quality of health facilities, goods and services.

As it is with other human rights, the state has three types of obligations: to respect, protect and fulfill the right to health. The obligation to respect requires the state to refrain from interfering directly or indirectly with the enjoyment of the right. This obligation requires the state, amongst other things, to abstain ‘from imposing discriminatory practices relating to

women's health status and needs' and 'to refrain from prohibiting or impeding traditional preventive care, healing practices and medicines'.

The obligation to protect requires the state to take measures that prevent third parties from interfering with the enjoyment of the right. The state should 'adopt legislation or take other measures ensuring access to healthcare and health-related services provided by third parties' and 'to ensure that privatization of the health sector does not constitute a threat to the availability, accessibility, acceptability and quantity of facilities, goods and services'. The state is also obliged to ensure that harmful social or traditional practices such as female genital mutilation do not interfere with women's access to reproductive health services. The obligation to protect also requires the state to ensure that third parties do not limit people's access to health-related information and services.

The obligation to fulfill requires the state to give sufficient recognition to the right to health in the national political and legal systems, preferably by way of legislative implementation, and to adopt a national health policy with a detailed plan for realizing the right to health. The obligation to fulfill includes the obligation to facilitate, which requires the state to 'take positive measures that enable and assist individuals and communities to enjoy the right to health'. It also includes the obligation to provide a specific component of the right to health 'when individuals or a group are unable, for reasons beyond their control, to realize that right themselves by means at their disposal'. The obligation to fulfill also requires the state to promote the right to health by undertaking actions that create, maintain and restore the health of the population.

3. The Right to health in Select Jurisdictions

The Constitution of Qatar, while outlining the guiding principles of the state, obligates the state to foster public health, provide the means of prevention of disease and promote their cure (Art. 23). This is a robust provision, albeit it is not provided for under the constitution's Bill of Rights as in the case of the right to education (Art 49) which is also provided for under the Guiding Principles (Art 25)

Article 47 of the constitution of India (1950) has similar provision to the effect that the state has responsibility to improve public health. On a more comprehensive note, the Constitution of South Africa (1996) provides that everyone has the right to healthcare services in addition to the stated obligation of the state to ensure the achievement of this right (Sec 27)

The Constitution of the Republic of Uganda does not explicitly provide for the right to health. However, the Bill of Rights contains a number of provisions with a bearing on health. The Constitution enjoins the state to promote the social well-being of the people and in particular to ensure that all Ugandans enjoy rights and opportunities and access, amongst other things, to education, health services, clean and safe water, food security and adequate housing. The state is also enjoined to take all practical measures 'to ensure the provision of basic medical services to the population' and 'to promote a good water management system at all levels'. The Constitution also urges the state to 'encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State'. The state shall also take all possible measures to prevent or minimize damage and destruction resulting from pollution.

However, In *Tinyefuza v Attorney-General*, although Egonda Ntende J observed that the National Objectives and Directive Principles of State Policy should guide all organs of the

state including the judiciary in the interpretation of the Constitution, he fell short of saying that these objectives and directives are by themselves legally binding.

The Constitution contains a number of human rights and freedoms, which are critical for the protection of the right to health, given the interdependence, indivisibility and interrelationship of human rights. These include equality and freedom from discrimination, the right to life, respect for human dignity and 'prevention from torture or cruel, inhuman or degrading treatment or punishment' and the right of access to information, among others. In the Ugandan case of *Abuki & Another v Attorney-General*, the court held that the banishment of the petitioner from his home under the Witchcraft Act, thereby depriving him of shelter, food and essential sustenance, infringed his right to life in light of NODPSP XIV of the Constitution, which enjoins the state to ensure that all Ugandans have access to health services, food and shelter.

3. The doctor-patient relationship

There must be a bonafide doctor- patient relationship between individuals and their physicians. Individuals must voluntarily seek advice or treatment (consent to treatment) from a doctor and there will be an expectation that the communication between them forms a doctor-patient relationship. Once a bonafide patient-doctor relationship is established, a duty of confidentiality normally arises. This duty however, has been found not to be absolute in certain instances, for example where a State's interests are at stake.

4. Consent

It must be noted that in order for the patients to ably make decisions about their well being, they need to know their rights and duties as well as be able to access information. In a bid to promote awareness of patients' rights in the health care context, the Ministry of Health of some countries developed a Patients' Charter, which outlines patients' rights and responsibilities. The rights in such Charter normally include: the right to medical care; prohibition of discrimination; participation in decision making; confidentiality and privacy; informed consent; and refusal of medical treatment. The responsibilities of the patient include provision of information; compliance with instructions; and respect and consideration of other patients and health workers. Whereas the Charter is not a legal document as such and may thus not have the force of law, it declares a number of principles, which have been recognized in human rights instruments and the common law. At the heart of these principles is informed consent to treatment, which is largely governed by tort law. On informed consent, the Charter provides that a patient has a right to be given all the information. However, the clinician may withhold the medical information if he or she strongly feels that by giving this information, it is likely to cause harm to the patient's mental or physical health.

The Charter also provides for the manner in which consent may be given. According to the Charter, informed consent 'may be given verbally or in writing or demonstrated by (the) patient's behaviour. Consent should be witnessed'. In a medical emergency, such consent 'shall be given as soon as possible afterwards'. The Charter also outlines the circumstances under which medical care may be provided without the consent of the patient. These include situations where 'the patient's physical or mental state does not permit obtaining his or her

informed consent' and or it is impossible to obtain the consent of the patient's representative or guardian or the patient is a minor or incapacitated. According to the Charter, a patient may verbally or in writing refuse treatment 'provided such refusal does not endanger the health of others'. Treatment against a patient's will, may be provided under the following circumstances: If the patient has received information as required to make an informed choice; If the treatment is anticipated to significantly improve the patient's medical condition; If there are reasonable grounds to suppose that after receiving treatment, the patient will give his/her retrospective consent.

4.1 Capacity to Consent

In the health care context, capacity refers to competence to make decisions with respect to medical treatment. For consent to be valid, it must be real, genuine, free and voluntary. The general rule is that a health care professional should presume that a patient has capacity to consent to or refuse treatment. In *F v West Berkshire Health Authority*, the court held that a patient is competent if he or she is able to understand the nature and purpose of the treatment. That he or she must be able to understand the risks and side effects as explained by the health care professional.

In *Re T (Adult: Refusal of Treatment)*, Lord Donaldson, MR stated that the law requires that an adult patient who is mentally and physically capable of exercising a choice must consent if medical treatment of him is to be lawful, although consent need not be in writing and may be inferred from the patient's conduct in the context of the circumstances. Treating a patient without his consent or despite a refusal of consent will constitute a crime. If however, the patient has made no choice and, when the need of treatment arises, is in no position to make one, the classic emergency situation with an unconscious patient (applies). For instance, the practitioner can lawfully treat the patient in accordance with his clinical judgment of what is in the patient's best interest.

As far as children are concerned, what is important is whether the care or treatment is in the 'best interests of the child'. Further, whether a child is able to exercise a right of autonomy and seek medical treatment without a parent or guardian's consent largely depends on the maturity of an individual child. Where a child lacks the competence to make a choice about his or her health care, the parent or guardian should give the consent. In the absence of a parent or guardian that should consent to the treatment, the doctor may treat the child out of necessity. In *Gillick v West Norfolk and Wisbech Area Health Authority & Another*, Mrs Gillick objected to the provision of contraceptives to her daughters without her prior knowledge and consent so long as they were below sixteen years. The court recognized the right of a 'mature minor' to consent to her own medical treatment.

In *Re R (A Minor) (Blood Transfusion)*, a ten month girl was suffering from B-cell lymphoblastic leukemia and needed a blood transfusion. The parents who were devout Jehovah's witnesses refused to consent to the treatment. Guided by the welfare and best interests of the child, the court overrode the parents' wishes and directed that the child should receive blood transfusion as medical advice dictated. On this question, the Ugandan Constitution is clear: it provides that, '[n]o child shall be deprived of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs'.

Consent is central to the realization of the right to health as it provides the legal justification of care and enables the patient make informed consent.

5. Medical Liability

The law of torts is concerned with providing a remedy to persons who have been harmed by the conduct of others. One must have a duty and the other must hold a right. Courts are reluctant to impose a duty where it would be wider than the parties' contractual obligations on the basis that the parties had the opportunity to define the extent of their liability in the contract. At times the conduct of the physician may actually be an omission which translates into negligence. Negligence is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs would do or doing something which a prudent or reasonable man would not do. The law of negligence requires a 3-stage test:

1. That the doctor owed the patient a duty of care.
2. That the duty was breached.
3. That the doctor caused the breach.

According to the law of negligence, the plaintiff must prove that the defendant owed him or her a duty of care in the circumstances of the particular case. The law will recognize a duty of care only where the relationship between the parties is seen as giving rise to that duty. Except where there is an established duty of care, the law does not impose any obligation upon doctors to provide treatment to those who require it. A doctor generally owes a duty of care only to patients who are on his or her list.

In addition to showing that the defendant owed him or her a duty of care, the plaintiff must prove the breach of that duty by the defendant. It should be noted that 'breach' is the essence of negligence. Under the general law of negligence, in order to render the defendant liable, the plaintiff must satisfy what is known as the 'neighbour principle', which was laid down in *Donoghue v Stevenson*, where Lord Atkin stated as follows: You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour ... (neighbours being): persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.

However, Lord Atkin's foreseeability test may not be appropriate in situations involving defendants who actually possess or hold themselves out as possessing special skills or expertise. Defendants in such cases are judged by the appropriate professional standard of care, which in the health care context was established in *Bolam v Friern Hospital Management Committee*. It should be noted that both parties to the case may adduce expert medical opinion as to what constitutes a responsible body of professional practice in as far as determining whether there was a breach, is concerned. The difference in opinion may lead to difficulties in determining whether the defendant has been negligent as illustrated by the case of *Maynard v West Midlands Regional Health Authority*. In this case, Lord Scarman observed that "a case which is based on an allegation that a fully considered decision of two consultants in the field of their special skill was negligent clearly presents certain difficulties of proof. It is not enough to show that there is a body of competent professional opinion which considers that there was a wrong decision, if there also exists a body, equally competent, which supports the decision as reasonable in the circumstances. It

is not enough to show that subsequent events show that the operation need never have been performed, if at the time the decision to operate was taken it was reasonable in the sense that a responsible body of medical opinion would have accepted it as proper ... (A) doctor who professes to exercise a special skill must exercise the ordinary skill of his specialty. Differences of opinion and practice exist, and will always exist, in the medical as in other professions.”

It is thus clear that health care professionals are to be judged against the standards of their peers. A defendant may win a negligence suit if an expert in his or her field can give a professional opinion in court that his or her actions were proper. However, the court has modified the standards and held in *Bolitho v City & Hackney Health Authority*, that the professional opinion relied upon by the defendant in cases of diagnosis and treatment must be reasonable or responsible. It has also been pointed out that “the standard of care to be expected of professionals is that required of those skilled in the particular specialty in question ... (A) general medical practitioner is not to be judged against the standards of consultant specialists but against what is reasonable to expect of a general practitioner.”

In addition to proving that there was a duty of care, which was breached, the plaintiff must show that he or she suffered damage caused by the defendant. The plaintiff must prove causation. That is, that the harm or injury suffered was caused by the defendant’s breach of duty. The traditional approach to causation in negligence is the ‘but for’ test, which is decided on a balance of probabilities. The test in other words means that the plaintiff would not have suffered the harm had the defendant not been negligent. The most important issue that court has to consider here is whether in the absence of the defendant’s negligence the patient would have avoided the harm. In *Barnett v Chelsea & Kensington Hospital*, the plaintiff’s husband had experienced persistent vomiting after drinking tea and had gone to the casualty department of a hospital. The doctor on duty refused to see him and he subsequently died from arsenical poisoning. The court found that the doctor’s refusal to see him, though negligent, was not a cause in fact of his death. The doctor’s conduct was considered causally irrelevant, for there was little or no chance that effective treatment could have been given in time. The court noted that the drinking of poisoned tea would have brought about his death whether or not he was treated in hospital.

However, because of the difficulties associated with the traditional approach to causation, courts have substituted it with the rather weaker causal requirement that the defendant’s negligence must be shown to have increased the risk to which the plaintiff was exposed.

Until 1922, negligence was not recognized as a separate tort. Its development can be traced to the House of Lords Ruling in the case of *Donoghue V Stevenson*, a case which concerned what was claimed to be the remnants of a decomposed snail in a bottle of ginger beer. Basing on the principle in this case (“my neighbor principle”), court decided that the principle would apply whenever there was considered to be a duty of care and that it was owed in specific circumstances. It is therefore an extension of the principle in *Donoghue* that health care professionals are deemed to owe a duty of care to their patients.

By virtue of the services they offer and supply, professional people hold themselves out as having more than average abilities. For general purposes, the objective standard of care cannot come down but it can be raised where the individual defendant has expressly or impliedly represented skills and abilities in excess of the ordinary person. A person who professes a special skill is not judged by the standard of the man on the street but by the standards of his or her peers. The doctor does not guarantee a cure. It is theoretically

possible for a professional to give a contractual guarantee that he will achieve a particular result but it is difficult in the case of a doctor because medicine is an inexact science. This alone shows the difficulty that patients go through to prove a breach of the duty of care.

In fault-based prosecution systems, the success of medical litigation is based upon the plaintiff proving duty of care; injury; causation; and breach of duty/negligence. The plaintiff has to establish that the practitioner owed him/her a duty of care. The plaintiff should have suffered injury. It should be established that the care offered fell below the expected standard of care, given the provider's training and experience. It should further be established that the reported failure to uphold standards was due to negligence. Finally, it should be established that the reported negligence of the duty of care caused or contributed to the injury suffered. For long, medical peers were given the right to determine fellow practitioners' alleged negligence basing on professional standards, the *Bolam* test. However, this right was challenged in the *Bolitho* case on grounds of conflict of interest, thus giving this right to the courts to determine the level of reasonableness.

To prove breach of the duty of care, evidence should be adduced to the effect that the defendant(s) exhibited attitudes, policies, systems or practices which could have possibly precipitated the failure to comply with health and safety regulations during care. Causation is proven if the particular acts or omissions of the defendant during healthcare delivery were the definite cause of the error or injury incurred by the claimant/plaintiff. According to Law No 2 of 1983, to illustrate, a doctor may be fined up to 5000 riyals, if his action results in harm to a patient, when such action is a result of negligence or ignorance of technical knowledge he ought to have had (Art 22)

Several countries have, however, shifted from the prosecution approach to the Administrative Compensation / "No-Fault" system, in which the injured party may not take legal action. Assessment by a professional body is adequate to determine negligence and the right to compensation. This has significantly reduced the costs of medical litigation. While such developments are reported in developed countries, there is still a dearth of literature on medical errors and medical litigation in developing countries, where adverse events are probably higher, especially in lower level health care facilities with shortages of qualified health workers. However, seeking legal redress is a poor culture in many developing countries due to barriers like low levels of education, lack of money to initiate lawsuits, scarcity of physicians, immature health care systems, regulatory deficits, and weak civil society.

Although medical litigation has helped to reduce the incidence of medical malpractice, thus improving the quality of health care by making providers more careful, this has been achieved at excessive financial cost, which may not be affordable to most developing country health systems and patients. High costs reduce equity in access to health care and health workers are overly cautious in taking on patients and order excessive and unnecessary investigations and treatment (defensive medicine).

6. Vicarious Liability

The plaintiff may decide to bring a negligence action directly against the health care professional. However, since the principal reason for bringing a malpractice action is to obtain compensation, patients may be reluctant to only sue individuals who may lack the financial resources to pay damages. Thus, patients may decide to sue the hospital or other

employer of the health care professional under the doctrine of vicarious liability. In *Cassidy v Ministry of Health*, Denning LJ held that “When hospital authorities undertake to treat a patient and themselves select and appoint and employ the professional men and women who are to give the treatment, they are responsible for the negligence of those persons in failing to give proper treatment, no matter whether they are doctors, surgeons, nurses and radiographers ... I can see no possible reason why they should not also be responsible for the house surgeons and resident medical officers on their permanent staff ... Hospital authorities accepted the plaintiff as a patient for treatment and it was their duty to treat him with reasonable care. They selected, employed, and paid all the surgeons and nurses who looked after him. He had no say in that selection at all. If those surgeons and nurses did not treat him with proper care and skill, then the hospital authorities must answer for it, for it means that they themselves did not perform their duty for him.”

In order for the doctrine of vicarious liability to apply, there must be a relationship between the employer or master and the employee or servant. The employee must have committed a tort, that is, the injury or harm complained of; and that tort must have been committed in the course of employment of the employee. The burden of proving that the employee, that is, the health care professional, was acting in the course of his employment lies on the plaintiff.

7. Defences

A health care professional who has been sued for malpractice may, unless he or she admits the facts as alleged by the plaintiff, rely on a number of defences, such as denial; peer acceptance, where the bolam test is invoked; pleading contributory negligence, and voluntary assumption of risk, among others.

8. Remedies

The most basic remedy for patients in cases of negligence is damages. The plaintiff may claim damages for permanent physical or mental disability; personal injuries; pain and suffering; and medical and hospital expenses. He or she may receive compensatory damages, in form of general or special damages. General damages are for payment for the emotional pain and suffering or injury suffered. Special damages are the actual loss of income, loss of wages, profits and medical expenses. It is however quite a task to determine the quantum of damages for disability, or pain and suffering as was expressed by Ouma J in *Mukalazi v Davis Kisule*: “Damages, which are to be awarded, are those so far as money can compensate or will give the injured party reparation for the wrongful act and for natural and direct results of the wrongful act. Money is awardable so that something tangible may be procured to replace something of a like nature which has been destroyed or lost. Money however, cannot renew a physical frame that has been shattered. All that a judge can do is to award money, which can be considered as giving reasonable compensation. There appears to be no meterstick a judge can apply to measure the amount to be awarded for pain and suffering or ensuing disability. And yet it is essential that judges must try to maintain some uniformity in the general method of awards. Further, it is essential that as far as possible, comparable injuries ought to be compensated by comparable awards.”

9. Conclusion

The discussion above clearly shows that there are many legal instruments, international and national that recognize and provide for the right to health. This is a ray of hope in the direction of patients who approach medical personnel for medical advice and treatment.

However, it is also clear that despite the “modification” of the bolam test, the attainment of this right still to a certain extent is at the mercy of the bodies of medical personnel in terms of proof of breach of duty of care. It is commonplace for professional associations to have solidarity and to always try to protect members of their fraternity. It is important that new rules be set in as far as the test for negligence in the medical profession is concerned.

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Court's Power of Transfer *Versus* Power to Strike out for want of Jurisdiction: An Examination of *NICO Oliver v. Dangote Industries Limited* in Search of Substantial Justice.

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I. Introduction

The issue of court's jurisdiction to hear and determine a matter before it is as important as the court itself. Jurisdiction of court is a threshold issue which can be raised at any stage of the case, even on appeal. The all-important issue of jurisdiction of court therefore cannot be over-emphasized. Over the years, courts at various levels have been battling with this issue. The reason is, of course, obvious. Where a court lacks jurisdiction to entertain a matter, any decision arrived at without jurisdiction is a nullity which is liable to be set aside on appeal. Hence the court guides its jurisdiction jealously and when it discovers that it has no jurisdiction to try a case, it strikes out the case. This position has generated a lot of controversy in view of certain statutory provisions which confer powers on certain courts, especially the Federal High Court, to transfer cases to the State High Court, rather than striking out for want of jurisdiction and *vice versa*.

This work therefore examines the issue of court's jurisdiction as a threshold issue. It further examines the power of court to strike out cases for want of jurisdiction and juxtapose it with the power of courts to transfer rather than strike out with a view to determining whether the two powers are not at crossroads. The focus of this paper is the case of *NICO Oliver v. Dangote Industries Limited* which exposes the judicial activism of His Lordship, Honourable Justice Issa Ayo Salami (PCA) while exercising the power vested in the Court of Appeal to exercise the power of the trial court. The power to transfer examined in this paper is that of the Federal High Court and the State High Court. The paper concludes by recommending transferring cases to the appropriate court rather than striking out for want of jurisdiction for the proper and effective administration of justice. It also recommended an amendment to all statutes creating courts to accommodate power to transfer rather than strike out for want of jurisdiction.

2. Jurisdiction of Court as a Threshold Issue

Jurisdiction of court is the court's power to decide a case or issue a decree. It is now settled beyond peradventure that the question of court's jurisdiction is a threshold issue which can be raised at any stage of the proceedings, hence issue of jurisdiction can be raised by either

parties to the proceedings and can be raised by the court *suo motu*, even for the first time at the court of last resort. And *a fortiori*, it can be raised *viva voce*.

The unique issue of jurisdiction is that it is the statute that cloaks the court with the powers and jurisdiction to adjudicate, and if the law does not grant jurisdiction to a court or tribunal, the court (and the parties) cannot by agreement or conduct endow the court with jurisdiction. The jurisdiction of the court is therefore confined, limited and circumscribed by the statute creating it. In view of the fact that jurisdiction is a threshold matter, it is very fundamental as it goes to the competence of the court to hear and determine a suit. It has been held that where a court does not have jurisdiction to hear a matter, the entire proceedings, no matter how well conducted and decided would amount to a nullity. On a broad perception, jurisdiction of court encompasses legal capacity, power or authority of a court. Competence of a court is the handmaid of jurisdiction of a court and a court must have both jurisdiction and competence to be properly seized of a cause or matter. In that sense, therefore, jurisdiction means the legal capacity, power or authority vested in a court by the Constitution or statute creating the court. The celebrated case of *Gabriel Madukolu & ors v. Johnson Nkemdilim* has been the *locus classicus* on the issue of competence of a court and its jurisdiction to entertain the matter before it. In that case, the Supreme Court, per Bairaman F.J, delivering the leading judgment held thus:

...a court is competent when:

- (i) *It is properly constituted as regards members and qualification of the member of the bench and no member is disqualified for one reason or another;*
- (ii) *The subject matter of the case is within its jurisdiction and there is no feature in the case which prevents the court from exercising its jurisdiction; and*
- (iii) *The case comes before the court initiated by due process of law and upon fulfillment of any condition precedent to the exercise of jurisdiction.*

Any defect in competence is fatal for the proceedings are a nullity however well conducted and decided. The defect is intrinsic to the adjudication

The above quoted voice of the learned jurist has gained tremendous applause in our juridical terrain. It has become a watch-word in determining the competence of suits and the jurisdiction of the court to entertain same.

It is trite that jurisdiction is the life blood of any adjudication and that is why issues of jurisdiction is crucial and fundamental in adjudication and has to be dealt with first and determined to avoid an exercise in futility, hence it is treated as a threshold issue. It is fundamental principle of law that it is the claim of the plaintiff which determines the jurisdiction of a court entertaining same. In fact, it has been held that it is not the status of

the parties that determines whether a court has jurisdiction, rather it is the cause of action as can be garnered from the originating process.

3. Power of Court to Strike out for want of jurisdiction

The notoriety of the trite law that the proper order to make by the court once it holds that it lacks the requisite jurisdiction to entertain the matter before it is that of striking out has made citation of legal authorities almost otiose. It suffices to say that the court must put an end to its proceedings if it holds that it lacks jurisdiction. That is, where an objection to the jurisdiction of court succeeds and upheld by the court, that would bring the proceedings in which it was raised to an end, as there would no longer be any other competent live issue in the case. In *Orofin v. Cheroon Nigeria Ltd.*, it was held, per Shoremi JCA that:

The question of jurisdiction strikes at the root of any cause or matter and consequently raises the issue of the competence of the court to adjudicate in the particular proceedings. Any defect in competence is fatal and such proceedings must be null and void. See Madukolu v. Nkemdilim (1962) SCNLR 314 and Skenconsult (Nig) Ltd v. Ukey (1981) 1 SC 6. Likewise, where a court has no jurisdiction to try a suit before it, it lacks the competence to transfer that suit to a court of competent jurisdiction to try the matter. What the court should do in such circumstances is to strike out the matter before it for want of jurisdiction.

Sanctioning the above clear position of the law, the Supreme Court in *Peter Obi v. Independent National Electoral Commission & Ors* held unequivocally that:

One a court declines jurisdiction to entertain a suit, the only other step it could take in the matter is to make an order striking out the suit. Any other order or pronouncement made by the court after declaring that it lacks jurisdiction to entertain a suit is null and void and of no effect.

Without any modicum of doubt, the above quoted portion of the decision at the Supreme Court clearly re-establishes the position of the law that the proper order to make where a court lacks jurisdiction to entertain a case is that of striking out and nothing else. One can discern full force in this position of the law; where a court declares that it lacks jurisdiction and still makes any order other than striking out the case, such order is an exercise of jurisdiction which the court had already declined.

The matter however does not end here. The interpretation of relevant provisions of the statute makes the position looks dicey. Certain statutory provisions, which shall be shown *anon*, empowers certain courts to transfer a cause to appropriate court that has jurisdiction and this therefore forms the basis of this paper and the genesis of the interface between the power of the court to strike out a case for want of jurisdiction and the power to transfer when such is conferred by the statute.

4. Power of Court to Transfer rather than Strike out

It has earlier been stated that once a court declines jurisdiction to entertain a matter before it, the proper order to make is that of striking out. However, certain developments evolve which whittle down the proposition of striking out order. The developments are to the effect that a court has the power to transfer a case to appropriate court where it lacks jurisdiction to entertain the case, rather than strike out the case. Thus, in *Mokelu v. Federal Commissioner of Housing and Land* the judge of the Federal High Court struck out the originating summons but the Supreme Court held on appeal that the proper course the judge should have taken was to transfer the suit to the appropriate State High Court. It is pertinent to quickly add that the power to so transfer can only be exercised where the statute establishing the court so confer. Section 22 (2) of the Federal High Court Act provides in clear terms that:

No cause or matter shall be struck out by the court merely on the ground that such cause or matter was taken in the court instead of the High Court of a state or of the Federal Capital Territory, Abuja in which it ought to have been brought, and the judge of the court before whom such cause or matter is brought may cause such cause or matter to be transferred to the appropriate High Court of a state or of the Federal Capital Territory, Abuja in accordance with Rules of court to be made under section 44 of this Act.

The above quoted provision of the Federal High Court Act is clear and unambiguous. It vests the Federal High Court with powers to transfer a cause or matter before it to the State High Court on the ground that such cause or matter was instituted before it rather than the state High Court. This established that where the Federal High Court holds that it lacks jurisdiction to entertain a matter it has power to transfer such matter to the State High Court rather than strike out the matter. This is a clear contradistinction with the earlier stated position that the proper order is that of striking out for want of jurisdiction. Aside section 22(2) of the Federal High Court Act, Section 24(3) of the National Industrial Court Act, 2006 makes similar provision for transfer of case rather than striking it out for want of jurisdiction. Although the statutes, in both section 22(2) of the Federal High Court Act and section 24(3) of the National Industrial Court Act, empower the Federal High Court or the National Industrial Court, as the case may be, to transfer the case to the appropriate court rather than strike out, a corresponding power is also conferred on a State High Court to transfer a cause or matter to the Federal High Court where the state High Court holds that it lacks jurisdiction. This corresponding power of transfer has, however, generated series of controversies in the judicial circle.

5. NICO Oliver v. Dangote Industries Limited: The facts and findings

The rationale behind the decision of the court of Appeal in *NICO Oliver v. Dangote Industries Ltd* may not be really understood without the earlier discussion on the power of court to either strike out or transfer a case for want of jurisdiction. Similarly, the juridical and philosophical basis of the need to do substantial justice as exhibited by his lordship, Honourable Justice Isa Ayo Salami in *NICO Oliver v. Dangote Industries Ltd* may not be appreciated unless the foundation already laid on the interface between the court's power of transfer and striking out is laid and properly laid.

6. The Relevant Facts of the Case

The plaintiff, Dangote Industries Limited, took out a writ of summons seeking the following reliefs before the Federal High Court:

- i. A declaration that the second and third defendants acted *ultra vires* in granting leave to the first defendant, to enter Nigeria by granting him to wit a visa/work permit and residence permit and the said immigration privileges granted to the first defendant are consequently unlawful, null and void.
- ii. A declaration that the first defendant's entry into Nigeria was obtained by fraud, to wit non-disclosure of material facts underlying his previous contract with the plaintiff company.
- iii. Specific performance of employment contract of the first defendant with the plaintiff.
- iv. ₦20,000,000.00 as damages against the first defendant for a breach of contract.

The first defendant/appellant filed a notice of preliminary objection, challenging the jurisdiction of the Federal High Court to entertain the suit, as constituted against him and also praying that the suit be struck out on the grounds that:

- i. The substance of the cause of action in this case is the alleged breach of a contract of employment between the applicant and the plaintiff/respondent.
- ii. By virtue of section 251 of the Constitution of the Federal Republic of Nigeria 1999, this Honourable Court does not have jurisdiction to entertain such claims.
- iii. By virtue of section 272(1) of the Constitution of the Federal Republic of Nigeria, 1999, the State High Court has jurisdiction in matters arising from master and servant relationships.
- iv. The main cause of action in this suit relates to the alleged breach of a contract of employment between the defendant/applicant and the plaintiff/respondent.

The preliminary objection was heard and dismissed by the trial court, consequent upon which the first defendant/ appellant was dissatisfied and brought an appeal to the Court of Appeal. The main issue identified by the Court of Appeal, per Ayo Salami (PCA) presiding and delivering the leading judgment, for consideration and determination of the appeal is whether the Federal High Court had jurisdiction to entertain the respondent's suit.

7. The Findings of the Court

In determining the main issue for determination in the appeal, the Court of Appeal, per Salami (PCA), re-echoed the settled position of the law that:

It is trite that jurisdiction of a court is decided on the plaintiff's claim as endorsed in his writ of summons and statement of claim.

Considering the plaintiff's claim, it was held that the claims are essentially in alleged breach of contract of employment and therefore the joinder of the second and third defendants who are agencies of the Federal government cannot bring the case within the jurisdiction of the Federal High Court. The court found further that:

It is obvious that none of the parties is making a claim against the Federal Government of Nigeria or any of its agent or parastatal. The subject matter of this litigation is a breach of contract of service between a firm and its former employee neither of whom has a relationship with the Federal Government. There is no proceeding for a declaration or injunction affecting the validity of any executive or administrative action or decision of the Federal Government or any of its agency.

Citing section 251 (1) of the Constitution of the Federal Republic of Nigeria 1999 and a host of judicial authorities, it was further held that:

The Federal High Court has exclusive jurisdiction in matters listed in section 251 (1) of the Constitution. All other items not set out in the section would still be within the competence of the State High Court. But the court is not conferred with the jurisdiction to entertain claims in contract. Since contract is not included in the additional jurisdiction vested in the Federal High Court, that court wrongly usurped the jurisdiction which rightly belongs to a State High Court.

Allowing the appeal and setting aside the decision of the Federal High Court, Salami (PCA) held:

The facts which were pleaded in the statement of claim abundantly clearly demonstrate that the subject matter of this action stands in master and servant relationship which is a matter in contract. Contract of service is not one of the matters placed exclusively within the jurisdiction of the Federal High Court. The joinder of the immigration service and its comptroller is a mere subterfuge or ruse specifically contrived to give a

semblance of jurisdiction to the Federal High Court which stratagem the court swallowed hook, line and sinker.

8. The Crux of Discussion on *NICO Oliver's Case*

In view of the decision or findings of the Court of Appeal as stated above, coupled with the earlier discussing on power of court to either strike out or transfer for want of jurisdiction, the related issue is: what should have been the proper order of the Court of Appeal in *NICO Oliver's case*?

Unanimously allowing the appellant's appeal the court of Appeal, per Salami (PCA) held that:

The trial court lacks jurisdiction to hear the suit which is substantially a claim in contract. The trial court, the Federal High Court, could properly transfer the matter to the court competent to hear and determine the action under section 22(2) of the Federal High Court Act, Cap F 12 Laws of the Federation of Nigeria, 2004.....

This court, like any other appellate court, is vested with the power of the trial court. By virtue of section 15 of the Court of Appeal Act, the matter is transferred to the Lagos State High Court for determination.

Other justices of the court, Mshelia and Nwodo (JJCA) concurred with Salami (PCA).

The propriety or otherwise of the consequential order of transfer rather than strikeout needs adequate consideration, and a host of judicial authorities will necessarily involve in the consideration, for there appears to be conflicting decisions.

In *Omisade v. Akande*, the Supreme Court held that by reason of the provision of section 22 (3) of the Federal Revenue Court (Amendment) Act 1975, the State High Court has the power to transfer a case over which it has no jurisdiction to the Federal High Court. The Supreme Court therefore invoked the provisions of section 22 of the then Supreme Court Act and ordered the transfer of the case to the Federal Revenue Court.

In *Aluminum Manufacturing Co. (Nig) Ltd v. Nigeria Ports Authority* which came earlier than *Omisade v. Akande*, the same Supreme Court held that a State High Court has no power of transfer of a case over which it has no jurisdiction to the Federal High Court and the only order that could be validly made is that of striking out. It is observed that in *Omisade v. Akande* the attention of the Supreme Court was not drawn to its earlier decision in *Aluminum Manufacturing Co. (Nig) Ltd v. Nigeria Port Authority*.

Similarly, in *Aluminum Manufacturing Company (Nig) Ltd*, section 22 (3) of the Federal High Court never arose for consideration while in *Omisade's case*, it was the Supreme Court that involved the provision of section 22 (3) of the Federal Revenue Court (Amendment) Act and transferred the matter to the Federal Revenue Court. Another case that came for consideration is *Awoloye v. Board of Customs and Exercise* where the Supreme Court held that by the effect of section 236 of the Constitution of the Federal Republic of Nigeria 1979 conferring unlimited jurisdiction on the State High Court, the State High Court can no longer exercise the power hitherto conferred by section 22 (3) of

the Federal High Court Act, 1973 to transfer a matter before it in which it had no jurisdiction to the Federal High Court. Still, unlike the Aluminum case, Awoleye dealt directly with section 22 (3) of the Federal High Court Act.

In *Fashakin Foods Nig. Ltd v. Shosanya*, the Supreme Court had another opportunity of considering the provision of section 22(2) and (3) of the Federal High Court Act. It was held that while the Federal High Court can transfer a cause or matter to a state High Court, by virtue of section 22 (2) of the Federal High Court Act, section 22(3) and (4) of the Act is legislating for the State High Court when it has no power to so legislate. It suffices to say that the power of court to transfer rather than striking out for want of jurisdiction is guided by statute but the statute must be valid and constitutional. The matter however did not end. Barely 7 days after the decision in *Fashakin*, the Supreme Court in *Associated Discount House Ltd v. Amalgamated Trustees Ltd* in what appears to be a departure from *Fashakin's* case held after quoting section 22 (3) of the Federal High Court that:

The term and intendment of this subsection is that the State High Court can validly make an order for a transfer of a case from itself to a court of different jurisdiction.

Reacting to the above position of the Supreme Court, the president of the National Industrial Court of Nigeria, Hon. Justice Babatunde Adeniran Adejumo posited that the position of the Supreme Court is a welcome development because it is in accord with modern trends globally. However, the matter still did not end there. His Lordship, the President of the National Industrial Court of Nigeria did not consider the latter case of *Associated Discount House Ltd. V. Amalgamated Trustees Limited* where the Supreme Court, reviewing its earlier position in *Associated discount House Ltd*, held that in *Associated Discount House Ltd*, the Supreme Court nevertheless expressed the opinion that the High Court of a state can, under the provision of section 22(3) of the Federal High Court Act, transfer a case in respect of which it has no jurisdiction to the Federal High Court but that opinion was clearly the court's passing remark which is clearly an *obiter dictum*.

The conclusion one can reasonably reach in view of all the above authorities is that while the Federal High Court can validly transfer a cause or matter to the appropriate court for want of jurisdiction pursuant to section 22 (2) of the Federal High Court Act, the State High Court cannot so transfer by invoking the provision of section 22(3) of the Federal Act court Act. The State High Court can only so transfer if the statute establishing the High Court provides for power to transfer and until the statute so provide, the only option open to the State High court is to abide by the common law position by striking out the case for want of jurisdiction rather than transfer.

The position of Salami (PCA) in *NICO Oliver's case* is therefore an exposition of judicial activism in the sense that section 22(2) of the Federal High Court Act presumably gives the Federal High Court discretion to transfer the case to the appropriate High Court of a State. For clarity of purpose, the relevant portion of the section 22(2) of the Federal High Court says:

...the Judge of the court before whom such cause or matter is brought may cause such cause or matter to be transferred to the appropriate High Court of a State...

(Underlining mine for emphasis)

The word employed above is 'may', suggesting that the judge of the Federal High Court has a choice either to transfer or do otherwise at his discretion. However, when one considers the full intendment and purport of section 22 (2) of the Federal High Court, one would reasonably conclude that on a proper appreciation and application of judicial activism in the interpretation of statutory provision, the proper order to be made by the judge of the Federal High Court is that of transfer and not otherwise, and which power to so transfer must be exercised mandatorily and not as a matter of discretion.

The very context in which the word 'may' is used, with due regard to convenience and justice, would show that the intention of the legislature is to make the use of 'may' mandatory which will be most consistent with reason. The exercise of the general power of the court of Appeal in *NICO Oliver's case* is a welcome development, considering the effect of striking out rather than transfer which may extinguish the right of action of the claimant when he has a reasonable cause of action.

This view can gain support from the opening paragraph of section 22(2) of the Federal High Court Act, which says:

No cause or matter shall be struck out by the court merely on the ground that such cause or matter was taken in the court instead of the High Court of a State or of the Federal Capital Territory, Abuja in which it ought to have been brought.

It is humbly submitted that by use of the word 'shall' in the above quoted provision, no cause or matter is liable to be struck out by the judge of the Federal High Court on the ground of want of jurisdiction, the corollary of which is that the proper order for the judge to make is to transfer the cause or matter to the appropriate State High Court. This would certainly accord with common sense and global best practices for a proper and effective administration of justice.

9. Conclusion

The power of the High Court to either transfer or strike out a case for want of jurisdiction has been examined. The Court of Appeal in *NICO Oliver's case* exercised its general power and transferred the case under review to the State High Court rather than striking out the case. The rationale for this may not be far-fetched. The practice and procedure of the State High court is regulated by the state law under section 274 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) while the practice and procedure of the Federal High Court is, by the effect of section 254 of the same constitution, regulated by an Act of the National Assembly. Hence the dictates of the golden rule of interpretation imposed the duty on the court to construe statutes in such a manner that would liberate and expound the horizon of the law and make it a living law that would cater for the future.

It is recommended, therefore, that individual state law establishing state courts should make corresponding provisions conferring power of transfer on the State High Court in the desire to do substantial justice to the parties and not to shut a party due to inadequacy in the law. This can be done by amendment of the relevant laws.

The position of the Court of Appeal in *NICO Oliver's case* will prevent injustices that normally result from striking out of cases where the Federal High Court holds that it lacks jurisdiction. Section 22 (20) of the Federal High Court Act is a good law which must be

used as a shield to prevent cases from being struck out and should therefore not be used as a sword to shut out a party with reasonable cause of action. A corresponding but valid provision in the various State High Court laws is a necessity to engender a more effective administration of justice.

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The United States Alien Torts Claims Act and Judicial Remedies in Ogoniland, Nigeria.

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Abstract. The study examines the U.S. Alien Torts Claims Act jurisprudence in providing universal jurisdiction in the absence of global institutions that holds transnational corporations accountable for the consequence of their actions in the global business and social environment in developing countries. The study was based on observation derived from documentary sources such as case laws, charters, treatise, journals, books and field observation. The findings of the study shows that the Nigerian Government in collaboration with Royal/Dutch Shell (SPDC) committed acts of torture, crimes against humanity, cruel, inhuman and degrading treatment, arbitrary arrest and detention, including summary execution against members of the Ogoni communities in Rivers state for protesting against Royal Dutch/Shell's environmental degradation policy. The study found that the Alien Torts Claims Act provides compensatory and punitive awards for damages against violations of international law and that a non U.S. resident can successful assert a claim against a tortfeasor under the Alien Torts Claims Act in a U.S. Court. The study proffers that foreign government of the home state of transnational corporations should ensure that people whose fundamental human rights are violated by the operations of oil transnational corporations domiciled in their territory should have unhindered access to effective remedy through the legal system. The Nigerian government should also review its compensation and reparation regime with respect to oil externality and establish an effective system of oversight in the oil industry which will factor the social and human rights impact of the industry. Corporations should respect and implement court decisions in regard to domestic litigation cases

Keywords: Oil, International Law, Ogoniland, SPDC, Alien Torts Claims Act.

1. Introduction

The globalization of law has engendered the development of international norms and institutions for the protection of human rights in our century than at any previous point in human civilization. The outcome is an international recognition that human rights ought to be honoured as a basis for human development. Subsequently the United Nations Organization (U.N.O), the International Court of Justice (I.C.J), the International Criminal Court (I.C.C), the African Union, is all committed to the enthronement of human rights. However, Victims of human rights infringement in less developed countries are often unable to obtain redress as a result of the limited capacity of the domestic legal system, the privatization of the state and its dependence on foreign capital. For instance in response to a

non-violent campaign in opposition to the destruction of their environment by oil companies, the Nigerian security forces attacked and destroyed several Ogoni villages and executed acts of extra judicial killings of Ogonis in 1995 (Carew, 2002). Similarly, following a protest against SPDC over a badly malfunctioning flare in Iko, Akwa Ibom State led to the burning of fourty houses by the Mobile police (ERA, 1998).

Frynas (2001) also showed how oil transnational corporations tie up legal cases in Nigerian courts for 10 to 15 years and how the Nigerian State (rentier state) is biased in favour of oil interest and thus restrict legislation against oil companies. In *Jonah Gbemre v. SPDC*, the plaintiffs filed a petition to stop gas flaring in the Iwerekan community in Delta state. While the Federal High Court ruled in favour of the plaintiffs, SPDC violated the court order and gas flaring is still subsisting in Iwerekan community. Several cases of court disobedience by oil transnational corporations in Nigeria abound which account for human rights infringement. Whereas, international law seeks to grapple with human rights violations, it is however, limited by its state centric nature. Accordingly, the United States of America through its legal system has attempted to overcome this short coming through the application of the Alien Torts Claims Act. The Alien Torts Claims Act is a section of the United States statutory law which provides that: "the District Courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States," 1 stat. 73, 77 (1789); ATCA – 28 U.S.C§1350 (2000).

This provision has motivated foreign citizens to bring civil cases to the U.S courts for flagrant violations of human rights committed outside the United States, this thus elevates civil litigation to the status of universal jurisdiction, whereby a third party country could prosecute suspected human rights violators. However, after the enactment the provisions of the statute had not been enforced for about two centuries until it was invoked in the landmark case of *Filartiga v. Pena-Irala* wherein the plaintiffs alleged that the state murdered a family member (Castor, 1986). The *Filartiga's* legal victory over the Paraguayan state led to what is called the first wave of over 100 litigation cases mainly against former dictators and military officials who escaped to the United States after the demise of their government. The Court of Appeal's decision in 1995 for the second circuit in *Kadic v. Karadzic* which held that the reach of ATCA extend beyond state parties to private actors triggered the second wave of litigation targeted at transnational corporations for their complicity in egregious rights violations; notable defendants in these lawsuits include the oil corporations, Chevron Texaco, Occidental, Royal Dutch Shell, Talisman and the mining companies Freeport- McMoran, Newmont, Rio Tinto and the Southern Peru copper corporation, others are Coca-Cola, Fresh Del Monte Produce, The Gap, Daimler- Chrysler, Ford, Dyn Corp and Pfizer (Diskin, 2005). A significant ATCA case involved petition by Nigerian citizens in Nigeria's Niger Delta against Royal Dutch Shell Petroleum Company, in *Wiwa v. Royal Dutch Shell Petroleum Company*, the plaintiffs alleged conducts that violates rights as secured under international law and which therefore constitute actionable conduct under the Alien Torts Claims Act, with respect to summary execution, crime against humanity, torture, cruel, inhuman and degrading treatment, arbitrary arrest and detention. The court in *Wiwa v. Royal Dutch/Shell* applied all the necessary ATCA mechanism and found that the plaintiffs effectively alleged human rights violations under international law which are actionable under the Alien Torts Claims Act. This indicates that Nigerian Courts have not yet entertained cases that address Oil Corporation's complicity in respect to international crimes such as torture; cruel, inhuman or degrading treatment; crime against humanity; genocide and extra judicial executions; etc. which throws up a lacuna in the extant literature. It is therefore, against this background that this study sets out to examine whether the remedy provided by the Alien Torts Claims Act reduce the pressure of

opposition against the commercial activities of oil corporations in Ogoniland of Nigeria's Niger Delta.

2. Theoretical Analysis

For an objective study and evaluation of the U.S alien torts claims act and enforcement of international law in Ogoniland of Nigeria, this study finds the "rentier state theory" as both relevant and heuristic in our theoretical analysis. Hossein Mahdavy (1970) an Iranian economist discovered and operationalized the concept of "rentier state theory" in relation to pre-revolutionary Iran. The concept conveys the notion of state dependence on external source of unearned income that weakens the state's ability to be accountable to its citizens and which inversely creates a lack of pressure from below for democratic change in the Middle East. The rentier state theory has gained a popular currency as the most influential theoretical model in explicating the absence of democracy in resource rich third world countries. Richeter and Steiner (2007) points out that the rentier state theory has systematically linked the polity (structure), the politics (process) and the policy (outcome) of a political system to its income base. In defining the concept, Beblawi (1987) posits a clear picture of what makes a state a rentier. He stated that:

In a generalized sense, there are certain levels of rent for every economy. However, a Rentier state is one where rent situation predominates and the rents come from abroad. The rents accrue to the government directly and Only a few are engaged in the Generation of this rent (wealth), the majority being only involved in the distribution or utilization of it.

To Wantchekon et. al (2000), a rentier state is that state that is characterized by a high dependence on external rents produced by a few economic actors. The rents are basically sourced from the exploitation of natural resources, not from production (labour), nor investment (interest) or management of risk (profit), which makes the rentier state to be autonomous in the sense that sole reliance on natural resource rent detaches and makes them less accountable to their citizens since they do not collect taxes. Rentier state theorists thus argued that authoritarianism predominates where profit from natural resource export displaces taxes in government revenues. It is often summed in the aphorism "No representation without taxation", and that the lack of taxation undercuts the organization of citizens based on economic interests and makes religion and cultural organization paramount (Luciani, 1990). The rentier state theory is thereby premised on three basic planks:

- (1) *That rentier states do not rely on taxation for income and thus are released from democratic obligations.*
- (2) *That the state spends oil revenue on placating and repressing its population.*
- (3) *That the social structure in rentier states leaves very little room for democratic opposition.* (Sandbakkeen, 2006; Herb, 2002).

As an analytical tool, it helps in the explication of the objective condition of the Niger Delta region in relationship with the Nigerian state and global oil corporations. The theory characterizes the rentier states as those states whose political economy is anchored on the "sharing of a produce or natural stock of wealth without contributing to it" (Beblawi and Luciani, 1987). This appropriates the Nigerian situation, since the 1970s, oil has accounted for more than 90 percent of national export earnings and 80 percent of state revenue (CIA,

2010). This clearly shows that the state and the economy have become totally dependent on external oil rents without getting involved in the actual process of oil exploitation, this is because the technology required in oil exploitation is highly complex and is only located in the industrialized West; which creates externalities. For instance, oil corporations in Nigeria's Niger Delta flares gas more than any other countries in the world where the TNC's are involved in oil exploration and production activities (Anderson, 1998; Okonta and Douglas, 2001).

Also, in the period between 1976 and 1980, there were 784 recorded cases of oil spillages in the Niger Delta communities which accounted for the avoidable destruction of marine life and crops upon which the communities depend for livelihood (Ibeanu, 1999). This thus provides the immediate context for conflicts whereby the oil bearing communities have to save their environment against vulnerability while on the other hand the "oil – rentier" nexus underscores the uninterrupted flow of oil rents to the state and profit to the oil corporations which must be sustain by the "oil-state relations". So in response the oil corporations employ the state security apparatus in brutally suppressing any form of opposition. Ironically, while the oil corporations have a right to protect their infrastructures, the use of brutal suppression engenders the violations of international laws of armed conflicts which intersect the provisions of the U.S Alien Torts Claims Act. The Alien Torts Claims Act thus provide an adequate venue whereby victims of human rights violations could sought legal remedy in U.S district court for a tort only, committed in violations of the law of nations or a treaty of the United States. This has a significant bearing on the Nigerian state, as Berham (1970:7-8) puts it:

The host government is caught in a love - hate syndrome. It wants the contributions to wealth and economic growth that the multinational enterprise can provide, because they add to its power within the country as well as internationally. At the same time, it dislikes and fears the result; the incursion on national sovereignty and technological dependence. The host government finds multinational enterprises difficult to live with, but so long as it seeks to increase national power equally unpleasant to live without. It appears to the host government that a trade-off may be required between sovereignty and greater wealth.

This trade-off is shown in the incapacity of the Nigerian state to enforce the liability of oil corporations for violations of international law in Nigeria's Niger Delta; thus Ibeanu (2002:1-3) succinctly declared that:

International forces expressed in the likes of Shell, Chevron, Mobil, the New York stock exchange and policy makers in Washington have fueled the rape of the Niger Delta. The consequence of these lasting paradoxes is a peculiar fusion of hope and despair, enthusiasm and cynism among the people of the Niger Delta in their dealing with the Nigerian state and globalized petro business.

This suggests that Nigeria's dependence on oil rents results in undemocratic practice and state repression. In the Niger Delta compensation for oil pollution has generally been narrowly defined primarily in terms of buildings, crops or profitable trees, loss of fishing rights and loss of value of land. The compensation regime fails to address long-term

damages or injury to health and significant communal natural resources (Amnesty International, 2009). While, many communities and individuals in the Niger Delta have sought redress in the Nigerian courts, mostly to seek financial compensation for damage caused as a result of oil operations – often oil spill damage, Frynas (1999) indicates that many plaintiffs often encounter significant obstacle in accessing courts, largely because the courts may be biased in favour of oil companies and that there may be a bias in Nigeria's statute law in favour of oil companies. Frynas (1999:150) further assert that:

The scope for law-making by Nigerian judges is also limited because they have to apply English Common Law, which ties judicial decisions to the pattern of development in the British Commonwealth. By relying on foreign legal precedents, Nigerian courts may sometimes be prevented from fully addressing specific local issues. English legal traditions, including strict standards of scientific evidence or statutes of limitation, decrease the chances of success for potential litigants in oil-related cases. Even if a plaintiff is able to win a lawsuit, litigation can only address the damage suffered by a specific litigant but not the impact of oil operations on the oil-producing areas as a whole. Since courts are reluctant to make use of injunctions against oil companies, they are unlikely to be able to compel companies to reduce the adverse impact of oil operation.

This shows that oil litigation in the Niger Delta revolve mainly around compensation over oil spills, on the other hand the U.S. Alien Torts Claims Act of 1789 provides jurisdiction over customary international law; so in *Wiwa v. Royal Dutch Shell*, the Nigerian plaintiffs invoked the Alien Torts statute and alleged conducts that infringe the rights of *Wiwa, et al* as secured under customary international law. The Second Circuit found the plaintiff's claim to be adequate. This settlement had a far reaching effect on Ogoniland, which suggest that the compensation provided by the U.S Alien Torts Claims Act reduces the pressure of opposition against the commercial activities of oil corporations in Ogoniland.

3. Ogoniland and Oil Exploration

Ogoniland is situated in a coastal region in the heart of Rivers state in the Niger Delta. It has a common boundary with Bonny and Andoni on the South, on the West with Port Harcourt (the Ikwerres) and on the East with Imo River. The area covers a territorial space of approximately 1,000 km² in the South East of the Niger Delta basin. The 2006 national population census puts the population to 832,000. The region is divided administratively into 4 local government areas: Eleme, Gokana, Ken-Khana and Tai. Traditionally, the area is formed by 6 kingdoms; Babbe, Eleme, Gokana, Ken-Khana, Nyo-Khana and Tai (UNEP, 2011).

The immediate environment of the Ogonis account for their culture and occupation, the land is naturally endowed with rain forest that houses a remarkable biodiversity, timber and non-timber products and economic trees of various species, including aquatic resources of different varieties and animals includes monkeys, grass cutters, bush pigs, snakes, land tortoise squirrel, porcupine and others; because of these resources' the people obtain their livelihood by engaging primarily in the economic activity of farming and fishing. Fishing activities are carried out in the rivers, rivulets and creeks as well as offshore, both men and women are actively engaged in fishing, farming and trading. Farming is carried out at subsistence level by individuals and cooperative societies.

3. Impact of Oil Exploration in Ogoniland

Following the discovery of oil in commercial quantities in Oloibiri, now Bayelsa state in 1958, similar discovery was also made in Ogoniland and extensive production infrastructure were set up.

Table: 1. Oil Field Facilities in Ogoniland at the Cessation of Oil Production, in 1993

SPDC Facility	Number
Oil Fields	12
Wells drilled	116
Wells completed	89
Flow stations	5
Flow stations capacity/barrels (per day)	185

Source: UNEP (2011:24) *Environmental Assessment of Ogoniland*, Kenya: UNEP.

This table shows the enormous amount of oil infrastructure and the scale of investment by the oil giant SPDC alone in Ogoniland before the advent of hostilities which shows that 185,000 bpd of oil was drilled in Ogoniland for over 3 decades. Oil exploration impacted upon the social and environmental web of Ogoniland. The communities were confronted with the effect of land acquisition by the oil corporations which adds a lot of land pressure for densely populated region, land survey and clearance for seismic lines coupled with the creating of seismic and drilling camps; site preparation, infrastructure construction and drilling for oil which also involve the development of transport infrastructure and then the next stage after production are the effect of spills, disposal of effluent waste and gas flaring (UNEP, 2011:24).

In the year 2000 alone, 95 percent of natural gas was flared in Ogoniland, a small section of the Niger Delta, compared to 0.4 percent that was flared in the whole of the United States (Khan, 1996:162). In the same vein, Cayford, (1996) and Carew (2000) asserts that hydrocarbon pollution in Ogoniland water was sixty times more than the United States limit. Ibeanu (2008: 19) also inferred that data from SPDC indicated that “in Ogoniland from 1985 up to the beginning of 1993, when SPDC staff withdrew from the area, 5,352 barrels of oil were spilled in 87 incidents”, while other independent sources like Earth Action, declared much higher figure, which indicated that more than 2,500 minor and major oil spills occurred in Ogoniland between 1986 and 1991, including a major one in which Shell dallied for forty days before patching a ruptured pipeline.

While the oil economy brought tremendous industrial and social changes in the community, such as the establishment of two oil refineries, one petro chemical plant, a fertilizer plant, a cement factory and a power plant, the community members were still disillusioned because a significant number were not employed by these establishments, instead there were increased influx of oil workers migrating into the region and exacerbating the cost of living. With limited amount of land for subsistence due to land appropriation for oil company’s use without a corresponding compensation in terms of job opportunities and direct act of environmental insensitivity ranging from operational oil spills, gas flaring to displacement of traditional economy, the stage was rife for conflict (Boele, R; Fabig, H; and Wheeler. D, 2001).

In the early 1990s the Ogonis became the first to pioneer an organized protest under the platform of Movement for the Survival of the Ogoni People (MOSOP). During this period the ills of oil corporations operating in the state and region were heavily publicized locally and internationally especially by MOSOP led by an author, play writer and a human rights activist, Ken Saro Wiwa. The Ogonis articulated their demands known as the Ogoni Bill of Rights and boycotted a presidential election on the basis that "Ogoni should not give legitimacy to a president who would swear to uphold a constitution that dispossessed the Ogoni people of their natural rights. This Bill of Rights was presented to the Nigerian Government and also to the United Nations Sub-committee of Human Rights Commission, to environmental protection groups and to other NGOs in Europe and North America.

In response to the complaint articulated in the Ogoni Bill of Rights, the Rain Forest Action group and the Green Peace Organizations wrote to Shell International in respect of the Ogoni claim about such specific aspects of environmental degradation as well as oil spillages and leakages. The Ogoni case was also presented in 1992 to the tenth session of the working group on indigenous population in Geneva and to the General Assembly of the Unrepresented Nations and Peoples Organizations at The Hague. In a letter to Shell, Chevron and the Nigerian National Petroleum Corporation in December 1992, MOSOP made the following demands, giving the oil companies an ultimatum to meet the demands within 30 days failing which they (the Ogoni) would embark on mass action to disrupt their operations in Ogoniland:

- (a) *Payment of US\$6billion for accumulated rents and royalties for oil exploration since 1958;*
- (b) *Payment of US\$4billion for damages and compensation for environmental pollution, devastation and ecological degradation;*
- (c) *Immediate stoppage of environmental degradation and in particular gas flaring in Yorla, Korokoro and Bormu;*
- (d) *Immediate covering of all exposed high pressure oil pipelines and*
- (e) *Initiation of negotiation with Ogoni people with a view to reaching meaningful and acceptable terms for further and continual exploration and exploitation of oil from Ogoniland and to agree on workable and effective plans for environmental protection of Ogoni people (Opota Panel Report, 2005: 29).*

In 1993, Shell was forced to close its production in Ogoniland following mass protest at its facilities and citing intimidation of its staff; the Corporation resorted to state intervention as a policy strategy. The federal government consequently issued a Decree, pronouncing disturbances at oil installations to be acts of treason punishable by death (Opota Panel Report, 2005: 30). Since the Decree was promulgated the systematic repression of the Ogoni people was orchestrated by the Nigerian State leading to the killing of over 5000 Ogonis, 10,000 others were forced into exile in other parts of Nigeria and abroad including 1000 who were in refugee camp in Benin Republic (Ibeanu, 1999: 170). In addition to direct military attack on the Ogonis, the State also resorted to instigating inter communal conflicts between the Ogonis and its immediate neighbours; such as the conflict between the Andonis and Ogonis during July and September, 1993 and with the Okrikas in December, 1993.

The Opota panel report also indicated that ten Ogoni villages were destroyed and about one thousand Ogonis were killed, while thirty thousand were rendered homeless during the conflict (Opota, Panel Report, 2005: 30; Ibeanu, 2003). In 1994, Ken Saro wiwa and eight other activists of the MOSOP were arrested on a trump up charge of the murder of four traditional leaders in Ogoni on November 10th, 1995, Saro wiwa and his eight colleagues were executed by the military government of late General Sanni Abacha despite pleas from

the international community. The killings and brutal repression of the Ogonis in Rivers state by the Internal Security Task Force was well documented and widely reported. The head of the Task Force, Major Paul Okuntimo wrote a secret memo to the Rivers state military administrator on May 12 1994: "Shell operations still impossible unless ruthless military operations are undertaken for smooth economic activity to commence..." In a few weeks the task force had raided almost all the 126 Ogoni villages. The soldiers massacred, raped and looted. CLO (1996:18) and Carew (2002) gave a graphic account:

The Nigerian security forces attacked, burned and destroyed several Ogoni villages and homes under the pretext of dislodging officials and supporters of the Movement of the Survival of Ogoni people (MOSOP). These attacks have come in response to MOSOP's non-violent campaign in opposition to the destruction of their environment by oil companies. Some of the attacks have involved combined forces of the police, the army, the air force, and the navy, armed with armoured tanks and other sophisticated weapons. In other instances, the attacks have been conducted by unidentified gunmen, mostly at night.

The Nigerian government in essence placed its "legal and military powers . . . at the disposal of the oil companies" and allowed "ruthless military operations" against the Ogoni people (African Commission Decision, 2001). Nigeria was subsequently, suspended from the commonwealth in November, 1995 following the extra-judicial killing of human rights activist Ken Saro Wiwa and other Ogonis. In his concluding remark Ken Saro-Wiwa made it clear whom he held responsible for the trial: "Shell is here on trial. The Company has ducked this particular trial, but its day will surely come and the lessons learn there may prove useful to it for there is no doubt in my mind that the ecological war the Company has waged in the Delta will be called to question sooner rather than later. . ." (Saro-Wiwa, 1995b, in Boele *et al* 2001:81).

4. Alien Torts Claims Act and Compensation in Ogoniland

In recent times the Nigerian judiciary has recorded a substantial number of compensations arising from oil litigations. Adewale (1989) postulates that the essence of compensation is to make amends for the loss suffered by victims, which implies restoring the victim to the state he was before the loss, otherwise the compensation cannot be said to be fair and adequate. Frynas (1999) analyzes oil related cases from 1990s and asserts that there is a legal change in Nigeria, whereby the courts are now more disposed to granting more compensation claims as against previous legal regime. He ascribed this change to increased professional ability of legal counsel for oil litigants and the impact of changing social environment. However, it is also apt to point out that these cases revolve mainly around oil spills. This fact is reflected in Frynas (1999:1) account that:

In the period 1981-86, 24 compensation claims against Shell went to court in Nigeria. In early 1998, Shell was reportedly involved in over 500 pending court cases in Nigeria, out of which 70 per cent, or roughly 350 cases, dealt with oil spills, the other 30 per cent, or 150 cases, dealt mostly with other types of damage from oil operations, contracts, employment and taxation. In the whole of the 1980s, Chevron reportedly had only up to 50 court cases in Nigeria. In early 1998, Chevron was involved in over 200 cases, of which 80-90 per cent, or roughly 160-180 cases, dealt with oil spills, other types of damage from oil operations or land acquisition for oil operations.

This clearly shows that Nigerian Courts have not entertained cases that address Oil Corporation's complicity in respect to international crimes such as torture; cruel, inhuman or degrading treatment; crime against humanity; genocide and extra judicial executions; which throw up a jurisprudence gap in the literature. The International Court of Justice (ICJ) and International Criminal Court (ICC) provide justice mechanism which investigates and prosecute international crimes which may extend beyond the capacity of the domestic justice system. The International Court of Justice (ICJ) was established in The Hague by the charter of the United Nations in June 1945 and became operative in April 1946, which qualifies it as a World Court and the U.N. main judicial agency. However, a significant limitation of the Court is a clause in the enabling Statute which stipulates that: "only states may be parties in cases before the Court" (Article 34). This suggest that individuals, corporations, parts of federal state, NGOs, U.N organs and self-determination groups have no locus standing before the Court and are excluded from direct participation in cases. In July 2002, the Rome Statute established the International Criminal Court (I.C.C.). The Rome Statute is a treaty obligation binding on state parties which grew from an initial 60 parties to 119 state members as at October 13, 2011. Article 5, defines the crimes within the jurisdiction of the court to include the crime of genocide; crime against humanity; war crimes and crimes of aggression. Article 11 (1) provides that the court can only exercise jurisdiction only with respect to crimes committed after the entry into force of this statute. This means the court cannot try ex post facto cases, because it is limited to event that took place since 1 July 2002.

Article 25 (1) also imposes a significant limitation on the court, it stipulates that: "the court shall exercise jurisdiction over natural persons". This precludes that transnational corporations involved in international crimes cannot be brought before the International Criminal Court. This stands to reason that there is an absence of effective global institution that can hold corporations accountable for the consequences of their actions, thus creating an accountability gap in global business and social environment. The implication is grim for weak states whose Gross Domestic Product (GDP) is less, compared to the net income of giant transnational corporations. However, an interesting development has been the recent effort to invoke an over two century American law of 1789 to sue TNCs for human rights infringement in countries outside the United States. This philosophy is anchored on the legal rule that the law of nations is incorporated into the law of the United States and that a violation of the international law of human rights with regard to torture, cruel, inhuman or degrading treatment; crime against humanity; war crimes, piracy, rape, genocide and extra judicial executions amounts to a violation of U.S domestic law. The Alien Torts Claims Act as codified in 28 U.S.C § 1350 provides that, "the District courts shall have jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." This statute thus authorizes a non U.S. resident to initiate a civil law action in U.S. federal courts based on violations of the "law of nations". This is articulated in *Abebe – Jira v. Negewo*, where the Eleventh Circuit asserts that:

Congress . . . has recognized that the Alien Torts Claims Act confers both a forum and a private right of action to aliens alleging a violation of international law. . . Accordingly, the court concludes that the Alien Torts Claims Act establishes a federal forum where courts may fashion domestic common law remedies to give effect to violations of customary international law (72 F.3d 844,847, 11th Cir. 1996).

Similarly, In *Paul v. Avril*, the court held that the plain language of the Alien Torts Claims Act and the use of the words "committed in violation" strongly implies that a well pled tort,

committed in violation of the law of nations would be sufficient to give rise to a cause of action 812 F.Supp.207, 212 S.D. Fla. (1993). Also, in *Iwanowa v. Ford Motors Co.*, the court finds that the Alien Torts Claims Act provides both subject matter jurisdiction and a private right of action for violations of the law of nations. In *Eastman Kodak Co. v. Kavlin*, the District Court for the Southern District of Florida, noted that:

This statute presumably is based upon congress' power under Article 1, section 8 to define and punish . . . offenses against the law of nations." Traditionally, the law of nations was interpreted as those moral codes that governed the behavioural interaction between sovereign nations and those binding norms affecting individuals that fell within the jurisdiction of judges to enforce.

This implies that the ATCA could become a powerful legal mechanism to increase corporate accountability. In order to successfully prosecute an Alien Torts Claims Act, the victims would have to demonstrate that (i) that a jus cogen violation of international law has taken place, (ii) that a human rights violations took place either in connection with forced labour, genocide or war crimes or while engaging in state action (iii) that the private individual aided and abetted the human rights violations in providing practical assistance and (iv) that the private individual knew or ought to have known that the principal perpetrator of the human rights violations had the intent to commit such an offence. In *Wiwa v. Royal Dutch Shell*, the appellants under the ATCA contend that Shell was complicit in the extra judicial killing of Ken Saro Wiwa and other Ogonis for protesting SPDC's environmental degradation policies in Ogoni land. According to the complaint, while these infringements were carried out by the Nigerian government and military, they were instigated, orchestrated, planned, and facilitated by Shell Nigeria under the direction of the defendants. The Royal Dutch/Shell Group allegedly provided money, weapons, and logistical support to the Nigerian military, including the vehicles and ammunition used in the raids on the villages, procured at least some of these attacks, participated in the fabrication of murder charges against Saro-Wiwa and Kpuinen, and bribed witnesses to give fake testimony. The plaintiffs alleged conducts that violates the rights of Jane Doe and Owens Wiwa as secured under international law and which therefore constitute actionable conduct under the Alien Torts Claims Act, with respect to the following claims:

- (1) *Crimes against humanity with respect to Doe and Owens Wiwa*
- (2) *Torture with respect to Doe,*
- (3) *Cruel, inhuman or degrading treatment with respect to Doe, and Owens Wiwa,*
- (4) *Violations of the right to life, liberty and security of person's with respect to Doe,*
- (5) *Violations of the right to peaceful assembly and association with respect to Doe and Wiwa.*

The Court in *Wiwa v. Royal Dutch/Shell*, applied all the necessary ATCA mechanism and acknowledged plaintiff's claim and declared that: "Plaintiffs have adequately alleged violations of international law . . ., and have satisfied the state action requirement of Alien Torts Claims Act, further, the court found that the plaintiff's effectively alleged human rights violations under international law which are actionable under the Alien Torts Claims Act. The Defendant Royal Dutch is a holding company incorporated and headquartered in the Netherlands. Defendant Shell Transport is a holding company incorporated and headquartered in England. The two defendants jointly control and operate the Royal Dutch/Shell Group, a vast, international, vertically integrated network of affiliated but

formally independent oil and gas companies. Among these affiliated companies is Shell Petroleum Development Company of Nigeria, Ltd. ("Shell Nigeria"), a wholly-owned Nigerian subsidiary of the defendants that engages in extensive oil exploration and development activity in the Ogoni region of Nigeria. The table below therefore shows the summary of selected cases and remedies provided by the Alien Torts Claims Act.

Table: 2. Summary of Remedies under the ATCA

Case	Type of Suit	Claim Type	Compensatory Damage	Punitive Damage
Filartiga v. Pena Irala. 630 F.2d 876 (2d Cir. 1980)	Individual Plaintiff	<u>Torture and Murder</u> The first transnational human rights case successfully brought under international law. Plaintiff sued a Paraguayan police officer who had tortured and killed his son in Paraguay. It was the first case to recognize torture.	\$385,000.00 in compensatory damages.	\$10 Million in Punitive damages
Forti v.Suarez-Mason. 694 F.Supp.707 (N.D.Cal. 1987)	Class Action	<u>Torture, arbitrary detention, disappearance and degrading treatment</u> This case successfully recognized disappearance under ATCA, but not claims for cruel, inhuman or degrading treatment, where plaintiffs were detained by military authorities in Argentina.	\$3 Million in compensatory damages	\$3 Million in punitive damages
Paul v. Avril 812 F.Supp.207; 901 F.Supp.330 (S.D. Fla. 1994)	Class Action	<u>Cruel, Inhuman and Degrading Treatment</u> Haitian citizens sued the military government of Haiti for abuses ranging from starvation perpetrated by soldiers. This was the first case to recognize cruel, inhuman and degrading treatment under ATCA	\$2.5 Million-\$3.5 each in compensatory damages	\$4 Million in punitive damages
In re Estate of Ferdinand Marcos, Human Rights Litigation 25 F.3d 1467, 1475 (9 th Cir. 1994)	Class Action	Claims Against the Estate of Former Philippines Dictator	\$766 Million in compensatory damages	\$1.2 Billion in punitive damages
Quiros de Rapaport v.Suarez Mason	Class Action	Torture, murder and Disappearance	\$15 Million in compensatory damages	\$15 Million in punitive damages
Trajano v. Marcos 878 F.2d 1439 (9 th Cir.1989)	Class Action	<u>Torture, Extrajudicial Killing and Arbitrary Detention</u> Abused Philipino citizens filed a suit against soldiers and authorities of the Philippine government, including Ferdinand and Imelda Marcos	\$4,161,000.00	

In re Holocaust Victims Asset Litigation 105 F.Supp.2d 139, 141 (E.D.N.Y. 2000)	Class Action	Aiding and Abetting Nazi Regime in war crime, crimes against humanity, crimes against peace, slave labour and genocide	\$1.25 Billion in compensatory damage	
Xuncax v. Gramajo 886 F.Supp.162 (D.Mass. 1995)	Class Action	Torture and Assault The former Guatemalian minister of Defense was sued by Guatemalian citizens and an American for charges of torture, assault and false imprisonment	\$2Million in compensatory damages for summary execution and \$1million in compensatory damage for torture victims	\$5Million in punitive damages And \$2Million in punitive damages for torture victims
Doe v. Unocal Corp. 403 F.3d 708 (9th Cir.2005)	Class Action	Forced Labour, Murder, Rape and Torture Burmese plaintiff sued Unocal, a US corporation for aiding and abetting forced labour, murder, rape and torture	\$30 Million for compensatory damages	Establishment of a trust fund to pay for improvement to the area in which the abuses took place
Sosa v. Alvarez-Machain 542 US- (2004)	Individual Plaintiff	Arbitrary Detention Mexican citizens helped the US Drug Enforcement Administration to kidnap another Mexican citizen and brought him to the US where he was tried and acquitted for alleged involvement in the death of a DEA agent. On appeal, the Supreme Court reversed the lower court holding that the abduction was justiciable under ATCA	\$10 Million for compensatory damages	
Wiwa v. Royal Dutch Shell 2002 US. Dist. Lexis 3293 (S.D.N.Y. 2002)	Class Action	Summary Execution, Crime against Humanity, Torture, Cruel, Inhuman and Degrading Treatment, Arbitrary Arrest and Detention Nigerian plaintiff were arbitrarily detained, shot, beaten and hung by the Nigerian military government in conjunction with a multinational oil company	\$15.5 Million for compensatory damages	\$5 Million for the establishment of a trust fund
Abebe-Jira v. Negewo 72 F.3d 844 (11th Cir. 1996)	Class Action	Torture, cruel, Inhuman and Degrading Treatment Court of Appeal affirmed judgement for compensatory and punitive damages against military dictatorship on behalf of Ethiopians.	N/A	N/A
Kadic v. Karadzic 70 F.3d 140 (2d. Cir. 1995)	Class Action	Summary Execution, Torture, Rape and Detention The court found the leader of the Bosnian Serb army liable for killings, torture, rape, detention committed by the	N/A	N/A

		army because of plaintiff's ethnicity and religion.		
Mehinovic v. Vuckovic 198 F.Supp.2d 1322 (N.Ga. 2002)	Class Action	<u>War crimes, Torture and Degrading Treatment</u> Four refugees sued a former Bosnian Serb commander under ATCA for torture, degrading treatment and war crimes committed during the ethnic cleaning campaign. Plaintiff's recovered compensatory and punitive damages	N/A	N/A

Source: Earths Rights International (2004: 59-71) *In Our Court: ATCA, SOSA and the Triumph of Human Rights*, Washington; & Koebelle, M. (2009: 90) *Corporate Responsibility under the Alien Torts Claims Statute: Enforcement of International Law through US Torts Law* Leiden-Boston: Martinus Nijhoff Publishers.

The table demonstrates the uniqueness of the Alien Torts Claims Act in its ability to provide a remedy for victims of the international laws of armed conflicts by allowing aliens to bring actions for torts in U.S Courts regardless of where the torts occurred. However, the court may refuse to entertain an ATCA claim under the doctrine of forum non conveniens. The doctrine of forum non convenience is a limitation victim of human rights abuse face in civil rights litigations (ERI, 2004). Defenders invoke this doctrine only after jurisdiction has been established and process has been properly served and also when they wish to remove a case into the jurisdiction where the alleged injury occurred or into another jurisdiction that has a more substantial connection or sympathy. The court will likely consider, factors such as the location of the evidence and witnesses and convenience to both parties in deciding whether to dismiss the case. However, corporate defenders are particularly likely to invoke this doctrine because they stand to gain from having their cases moved to jurisdiction with less stringent laws or properly structured legal system (Mostajelean, 2008). However in cases where the ATCA has succeeded it had helped in cessation of conflict. In the case of *Wiwa v. Royal Dutch Shell*, the defendants on the eve of trial reached for a settlement. The settlement, whose terms are public, provides a total of US\$15.5 million. These funds compensate the 10 plaintiffs, who include family members of the deceased victims; cover a portion of plaintiffs' legal fees and a Trust. US\$5 million was provided for the establishment of a Trust intended to benefit the Ogoni people (www.ccrjustice.org; www.earthsrightrights.org). The object of the "Trust Fund", is to provide some benefit to the Ogoni people for the purpose of education, health, community development and other benefits for the Ogoni people and their communities, including educational endowments, skills development, women's programme, agricultural development, small enterprises support and adult literacy. Governance of the "Trust" is independent from plaintiffs and defenders in pursuant of the settlement agreement which ended a 13 years legal battle.

In the words of the Plaintiff Ken Saro-Wiwa, Jr., the son of Ken Saro-Wiwa explained, "in reaching this settlement, we were very much aware that we are not the only Ogonis who have suffered in our struggle with Shell, which is why we insisted on creating the Kiisi Trust." The Kiisi Trust—Kiisi means "Progress" in the plaintiffs' Ogoni language (www.wiwa_v_shell_settlements_and_orders). Judith Chomsky, an attorney with the Center for Constitutional Rights (CCR), one of the attorneys who initiated the lawsuit, stated, "The fortitude shown by our clients in the 13-year struggle to hold Shell accountable has helped establish a principle that goes beyond Shell and Nigeria—that corporations, no matter how powerful, will be held to universal human rights standards." Also, Jennie Green, the CCR staff attorney who initiated the lawsuit in 1996, stated that, "this was one of the first cases to

charge a multinational corporation with human rights violations, and this settlement confirms that multinational corporations can no longer act with the impunity they once enjoyed” (www.ccrjustice.org; www.earthrights.org and www.sdshh.com).

5. Reconciliatory Process

The compensation provided by the U.S. Alien Torts Claims Act against Royal/Dutch Shell in June 8th 2009, led to the cessation of hostilities between Oil Corporations and the Ogoni communities in Rivers state and ignited a reconciliation process between the federal government, Oil Corporation and Ogoniland. The federal government appointed, an impartial, international agency, the United Nations Environment Programme to conduct a comprehensive assessment of the environmental and public health impact of oil contamination in Ogoniland, together with options for remediation. Based on the mandate from the Government of Nigeria, the UNEP set out to:

1. *Undertake a comprehensive assessment of all environmental issues associated with the oilfield related activities in Ogoniland, including the quantification of impacts*
2. *Provide useful guidance data to undertake remediation of contaminated soil and groundwater in Ogoniland*
3. *Provide specific recommendations regarding the scope, modalities and means of remediation of soil and groundwater contamination*
4. *Technical evaluation of alternative technologies which could be employed to undertake such remediation*
5. *Provide recommendations for responding to future environmental contamination from oilfield operations*
6. *Provide recommendations for sustainable environmental management of Ogoniland*
7. *Enhance local capacity for better environmental management and promote awareness of sound environmental management and sustainable development*
8. *Be part of the peace dividend and promote ongoing peace building effort* (UNEP, 2011:52).

The successful environmental assessment of Ogoniland called for community involvement. In the period between November 2009 and January 2011, more than 23,000 people participated in 264 formal communities meeting, with an initial town hall meeting of over 15,000 people participating. These community engagement enabled UNEP to gain access to areas contaminated by oil as well as consent for access to land and waterways which enabled the team to achieve all its stated objectives and subsequently provided a comprehensive environmental assessment of Ogoniland as well as the proffering of viable solutions to the federal government (UNEP, 2011).

6. Conclusion

The study sets out to ascertain the implications of the enforcement of the United States Alien Torts Claims Act on human rights infringement in Ogoniland of Nigeria’s Niger Delta. Specifically, the objectives include whether the compensation provided by the U.S. Alien Torts Claims Act reduce the pressure of opposition against the commercial activities of oil corporations in Ogoniland of Nigeria’s Niger Delta. The theory of the rentier state as a

unit of empirical analysis was adopted. This is based on the contention that there is an oil-rentier nexus which underscores the uninterrupted flow of oil rents to the state as well as profit to the oil corporations and their home governments. The consequence of oil dependency creates oil externalities which engenders the systematic destruction of the productive forces in Nigeria's Niger Delta which constitute a setback on development.

The study was based on observation derived from documentary sources of recorded human documents, such as case laws, charters, treatise, United Nations documents, African Commission of Human and People's Rights document, nongovernmental organization's documents, internet sources, text books, journals, magazines, newspapers and field observation. In order to analyze the data we adopted qualitative descriptive analysis with the application of the single case pre-test - post-test quasi experimental design which was also used in controlling internal threats to validity. The study found that the Alien Torts Claims Act provides compensatory awards for damages against violations of international law or the law of nations and a non U.S. resident can successfully assert a claim against a tort-feasor under the Alien Torts Claims Act in a U.S. court.

The findings of the study show that the Nigerian Government in collaboration with Royal/Dutch Shell committed acts of torture, crimes against humanity, cruel, inhuman and degrading treatment, arbitrary arrest and detention, including summary execution against members of the Ogoni communities in Rivers state for protesting against Royal Dutch/Shell's environmental degradation policy. The families of the decedents brought a class action suit against Royal Dutch/Shell under the ATCA, for the corporation's complicity for human rights abuses and on the eve of trial, a settlement for a compensation of \$15.5 million was awarded to the plaintiffs. The term of agreement also provided for the establishment of a "Trust Fund", for the purpose of education, health, community development and other benefits for the Ogoni people and their communities, including educational endowments, skills development, women's programme, agricultural development, small enterprises support and adult literacy. In this light the study found that the granting of compensatory and punitive damages against Royal/Dutch Shell by the ATCA provision led to the cessation of hostilities between oil corporations and the Ogoni communities. In view of the above we conclude that the Alien Torts Claims Act is an available potent legal enforcement tool that holds transnational oil corporations legally accountable for violations of international law in Nigeria's Niger Delta in spite of the incapacity of the Nigerian state to enforce international law provision. It also has the knock on effect to roll back the pressure of opposition against the commercial activities of oil corporations. From the insight gleaned from the findings and conclusion, we proffer that the government of the home state of oil corporations should ensure that people whose fundamental human rights are violated by the operations of oil corporations domiciled in their territory should have unhindered access to effective remedy through the legal system. The Government should review its compensation and reparation regime with respect to oil externality and establish an effective system of oversight in the oil industry which will factor the social and human rights impact of the industry. Corporations should respect and implement court decisions in regard to domestic litigation cases and strive to maintain the same corporate universal standards in environmental and labour practice in the Niger Delta.

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The Imperative of Mini-Trial in the Resolution of Disputes in the Nigerian Telecommunications Industry

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Abstract. The world has truly become a global village and a necessary tool for this is communication of which telecommunication is a key facilitator. Consequently, stakeholders in the telecommunications industry (these include the government, industry regulator, service providers and users of telecommunications services and facilities) have engaged themselves in several activities. Consumers complain about inadequate services while the industry regulator frowns at operators' non-compliance and violation of regulations guiding telecommunications operations. Service providers are always at loggerhead over interconnectivity indebtedness. These are issues necessitating legal and regulatory frameworks for disputes resolution mechanisms in the industry. The government has enacted laws. Besides, industry regulator has also made regulations and guidelines pursuant to the powers conferred upon it by law for resolution of telecommunications disputes. The cumbersome nature and long process of litigation with its attendant exorbitant financial commitment are worrisome. The available Alternative Disputes Resolution (ADR) processes also appear to be inadequate. This article seeks to discuss Alternative Dispute Resolution (ADR) processes recognized by the Nigerian Law, particularly as provided for in the Nigerian Communications Act 2004 and Arbitration and Conciliation Act 2004 in resolving telecommunications disputes. ADR processes and the recognized mechanisms in Nigeria are discussed. The article therefore, discusses the imperative of the relevance of Mini-Trial and other ADR processes that are yet to be explored in Nigeria but which are functional, in view of the yawning towards ensuring a practical application of ADR in the Nigerian telecommunications industry.

Keywords: Alternative Dispute Resolution, ADR Processes, Telecommunications, Mini-Trial

1. Introduction

The revival and adoption of ADR in Nigeria and in various jurisdictions of the world is a global developmental paradigm shift in the resolution of disputes. It is a fact that in Nigeria a few processes are being used in the resolution of disputes despite the myriad of available

ADR processes. Likewise, the lackadaisical attitude of lawyers and the general public is not encouraging enough in strengthening the application and practice of the adopted processes. This has portrayed arbitration and conciliation overstressed.

However, the Nigerian Communications Act makes provisions for dispute resolution processes in the Nigerian telecommunications sector. As it is spontaneous that disputes could ensue between two or more telecommunications operators such as, disputes arising from failure to pay interconnect indebtedness, refusal to allow interconnection, interconnection charges or failure to respect interconnect agreements. It could be between consumers and operators such as disputes arising out of drop calls, inability to recharge, network congestion, billing and rate, defamatory letter demanding for payment of bill, illegal use of telephone line, failure to connect, mast related issues, misleading advert, defective equipment, *et cetera*. It could also be between the operators and regulatory authority, such as disputes arising out of interconnect rate determination, fixing of interconnection pricing in interconnection between dominant operator and competing operators, propriety of issuance of particular licences, determination of compensation payable to subscribers for poor quality of service, failure to comply with regulator's directives, contravention of provisions of the law, rules and guidelines, whether a wholly owned subsidiary of a licensee is bound to obtain separate licence *et cetera*. Disputes could also be between government and operators such as enacting laws which are *ultra vires* or unconstitutional.

This article therefore, looks at the classes of dispute processes, examines the preferred ADR processes in Nigeria and the need to explore the potentials of mini-trial as one of the useful and effective dispute resolution mechanism in the Nigerian telecommunications industry for a just, cheaper and faster resolution of disputes as against the burdensome adversarial litigious process presently obtainable in Nigeria.

2. An Analysis of Dispute Resolution Processes

Dispute resolution processes are generally categorized into adjudicatory and consensual or binding and non-binding processes. Moreover, dispute resolution processes either traditional or alternative are categorized into three primary categories as in negotiation, mediation and adjudication. The categorization is not closed, as such it is divided into primary and hybrid processes. However, a careful categorization of ADR thus encompassed primary ADR processes (negotiation, mediation/conciliation and arbitration), the secondary ADR processes (private judging and mini trial) and hybrid processes (expert determination, med-arb, ombudsman and summary jury trial). The list is not conclusive as there are other forms of ADR as highlighted elsewhere. An inquiry into the commonly used ADR processes in Nigeria shows that the primary ADR processes are negotiation, mediation/conciliation and arbitration. Though, the recognition of mediation under the Act appears controversial as shown in this paper.

However, the Nigerian Communications Act is the current principal law regulating the telecommunications industry in Nigeria. Other statutory instruments, regulations and

guidelines on telecommunications derive their validity from the Act which empowers the NCC to make and enforce subsidiary legislations as may be necessary to give full effect to the provisions of the Act. The Act also empowers the commission to issue directions in writing to any person regarding the compliance or non-compliance with any license conditions or provisions of the Act or its subsidiary legislations. Thus, by Section 73 of the Act:

The Commission shall have powers to resolve disputes between persons who are subject to this Act (“the parties”) regarding any matter under this Act or its subsidiary legislation.

The above quoted provision is in the nature of administrative remedy which must first be exhausted before a party can approach a court of law. In the exercise of its powers to resolve disputes between the disputing parties, it is observed that the commission has the unfettered discretion to resort to any ADR process in resolving disputes connected with telecommunications. ADR thus encompasses the following:

3. Recognition and Application of Negotiation

Negotiation is usually the first process adopted in the resolution of disputes. It is the *primus inter pares*- first among equals. It is the basic form of ADR which has at its core simple talk about a problem with an attempt to reach a resolution. It is the process adopted to communicate on a daily basis either in commerce or everyday life to agree and reconcile a dispute or disagreement that may not need a third party.

It is definitely an indispensable ADR step that is fundamental to all consensual ADR process towards a satisfactory dispute resolution. It is a process used to get what we need that is being controlled by someone else through bargaining. The procedure and the necessary step together with the *modus operandi* to achieve optimal negotiation are discussed elsewhere. Thus, negotiation as a process precedes all forms of dispute resolution (be it ADR processes or otherwise) because it involves discussions, concessions, communications, persuasions, bargaining and compromise in reaching the desired resolution. It therefore offers a social process of joint decision making by the disputants or their representatives. The process is characterized by an exchange of information that produces an acceptable outcome achieved through compromise because realistic options are evaluated in order to arrive at a mutually agreed resolution of a dispute.

The question, whether negotiation is recognized or provided for under the Arbitration and Conciliation Act? Is answered in the negative but the fact remains that negotiation is used as a prelude and it stands at the forefront of dispute resolutions processes. Although the Nigerian Communications Commission (NCC) has powers to resolve disputes arising out of telecommunications services, the law provides that an attempt shall first be made by the parties to resolve any dispute between themselves through negotiation before the involvement of the commission. In a bid to protect the subscribers of telecommunications network and services and ensure quality of service, the commission also welcomes complaints from subscribers regarding the conduct or operation of licensed telecommunications service providers. In order to achieve this purpose, the commission has the power to:

establish procedures or guidelines for the making, receipt and handling of complaints of consumers regarding the conduct or operation of licensees and may, in its discretion, institute alternative dispute resolution process for the resolution of the complaints or disputes provided that the licensee's dispute resolution procedures shall first have been exhausted by the consumer without resolution of the complaint before presentation of the complaint to the commission.

Thus, where a complaint is by consumers against a licensee, the complaint will first be lodged and dealt with by the relevant licensee. Where disputing parties are able to settle their dispute amicably, the matter does not go to NCC. But where parties could not settle, the matter is taken to NCC for resolution. Where a complaint is lodged with NCC by a consumer of telecommunications service without initially contacting the operator for resolution, the NCC will forward the complaint to the operator concerned for resolution. However, where the complaint is by one licensee against another licensee for an alleged breach of a consumer code, the complaint will be lodged directly with the NCC and where such complaint is lodged with a licensee without evidence that the complaint has been lodged with the commission as well, the licensee must forward a copy of the complaint to the NCC. In effect negotiation stands out.

4. Recognition and Application of Mediation and Conciliation

Mediation and conciliation are both of long historical antecedents and both processes are used within different traditional settings, specifically, in Asia and Africa with particular reference to Nigeria. Mediation is one of the oldest means of settling disputes in China, Japan, Hong Kong, Singapore and Malaysia. Both are well known dispute resolution mechanisms in most cultures and legal systems. They are practically recognized consensual dispute resolution mechanisms in every community. The two processes complement negotiation with a major dividing line of the presence of either a mediator or a conciliator who facilitates. The decision of the facilitator that acts as mediator or conciliator is not binding on the parties.

It is pertinent to ask whether the two processes are the same and is it so under the Nigerian Law? It should be pointed out from the outset that they are similar going by the different analysis of their form offered by different scholars. It is argued, mediation is the invitation by the parties of a neutral third party to join negotiation without conferring on him any power to impose a solution on the parties. The third party is otherwise known as a facilitating intermediary who cannot make a binding decision but may propose a designed settlement to the parties. Macfarlane pointed out that mediation is a process that aims to facilitate the development of consensual solutions by the parties which is overseen by a mediator (a non-partisan party) having derived his authority from the consent of the parties to facilitate the negotiations. The decision-making power or the legitimacy of the mediator does not exceed what he is afforded by the parties to the mediation. However, conciliation is described as the intervention of a conciliator to build a positive relationship between disputing parties. This involves the resolution of dispute between parties through the assistance of a conciliator (who may take a more proactive role). It is argued that the two processes may be used interchangeably while at the same time used differently. It was observed that:

Conciliation is a term sometimes used interchangeably with mediation, and sometimes, used to distinguish between one of these processes (often mediation) involving a more proactive mediator role, and the other (conciliation) involving a more facilitative mediator role; but there is no consistency in such usage.

The observation of Holtzmann that the Webster's Unabridged Dictionary includes the word 'mediation' in defining 'conciliation' and uses 'conciliation' to define 'mediation' shows the usage of the two processes interchangeably. It is viewed that mediation and conciliation is used interchangeably and synonymously but it is argued that a fine line of distinction exists between the two in that a conciliator plays a more proactive role, compared to a mediator. As such a conciliator may suggest the best way to settle a dispute to the parties which is not binding on the parties. In the light of the above, there appears an inconsistency in the difference in the two concepts but the consensual nature of the two processes is never in doubt.

It is pertinent to state that in Nigeria under the present ADR regime the word mediation is not recognized or used, otherwise the word conciliation is given recognition. The Arbitration and Conciliation Act specifically provides for the right to settle dispute by conciliation. Besides, the whole of Part II of the Act is devoted to conciliation and as such no mention is made of mediation. It is provided:

Notwithstanding the other provisions of this Act, the parties to any agreement may, seek amicable settlement of any dispute in relation to the agreement by, conciliation under the provisions of this Act.

It is deducible from the above provision that parties to any agreement may seek amicable resolution of dispute in relation to their agreement by conciliation. It is submitted that there is no clear-cut demarcation between conciliation and mediation in Nigeria. It suffices to say that mediation is not mentioned. In effect, the most favoured and regulated processes in Nigeria are arbitration and conciliation with particularly reference to commercial disputes. The short title of the Act supports this assertion. It is observed that the shortcoming was noticed nationally and its correction was one of the purposes for setting up a national committee on the reform and harmonization of Nigeria's arbitration and ADR laws.

5. Recognition of Arbitration and Customary Arbitration

Arbitration is recognized under the present legal regime. The Arbitration and Conciliation Act regulates arbitration in Nigeria. The Act "provide a unified legal framework for the fair and efficient settlement of commercial disputes by arbitration and conciliation; and to make applicable the Convention on the Recognition and Enforcement of Arbitral Awards (New York Convention) to any award made in Nigeria or in any contracting state arising out of international commercial arbitration." Besides, customary arbitration is in active practice in Nigeria and regulated by customary law, this is extensively discussed elsewhere. But the Act does not expressly recognize customary arbitration except to the extent of an allusion

that it is recognized indirectly. This sort of recognition is obscured. This reference to its recognition is seen in S. 35 of the ACA which provides:

This act shall not affect any other law by virtue of which certain disputes-

- a) may not be submitted to arbitration; or
- b) may be submitted to arbitration only in accordance with the provisions of that or other law.

This provision, particularly S.35 (b) above had been argued to be in recognition of other form of arbitration, that is, customary arbitration. Igbokwe submitted that reference to ‘the provisions of that or other law’ includes customary law and customary arbitration. Customary arbitration has been further complimented by the Supreme Court of Nigeria having validated the existence and constitutionality of customary arbitration as practiced in Nigeria.

Arbitration as a dispute resolution mechanism is of long historical antecedent which has grown considerably since the New York Convention of 1958 for the settlement of international dispute in international trade. Arbitration offers a forum where the parties present their case to an impartial arbitrator or panel of arbitrators who renders a specific award. The authority of the arbitrator and the procedure largely derived from the agreement of the parties.

It is a private mechanism for the resolution of disputes that take place in private based on the agreement between two or more parties to be bound by the decision (award) to be rendered by the arbitrator (s) according to law (as agreed by parties) after a fair hearing, such decision being enforceable at law. It may be arbitration tribunals which are private courts of one or more arbitrators to whom is transferred by agreement the power of decision in relation to civil legal disputes in place of state courts.

In Nigeria, the meaning adopted by the court is that arbitration is the reference of a dispute or difference between not less than two parties for determination, after hearing both sides in a judicial manner, by a person or persons other than a court of competent jurisdiction. Although an arbitration agreement may relate to present or future differences, arbitration is the reference of actual matters in controversy. Arbitration is therefore, a mechanism for the settlement of disputes by which the parties are bound by the award of the arbitrator(s) whose decision is binding having derived his force from the agreement of the parties which is legally enforceable by the court.

It is pertinent to note that arbitration is not extensively defined in the Act but only provides that “arbitration means commercial arbitration, whether or not administered by a permanent arbitral institution.” Arbitration is adjudicatory and binding in nature but a less formal arrangement and procedure is adopted which distinguishes it from litigation.

The development of arbitration in Nigeria dates back to 1914 when the first legislation on arbitration was introduced into Nigeria. The Arbitration Act of 1958 established an arbitral framework for the first time in Nigeria. Although the Act has been criticized but credited as good and useful for information on the development of arbitration and ADR in Nigeria. The Act was subsequently updated and adopted the UNCITRAL Model law on International Commercial Arbitration likewise it incorporates the UNCITRAL Arbitration Rules and Conciliation Rules. Thus, it is the current law regulating arbitration in Nigeria having been

re-enacted as the Arbitration and Conciliation Act, Cap. A18, Laws of the Federation of Nigeria, 2004.

In the same vein, the Nigerian Communications Commission has the function of:

examining and resolving complaints and objections filed by and disputes between licensed operators, subscribers or any other person involved in the communication industry, using such dispute-resolution methods as the Commission may determine from time to time including mediation and arbitration.

The above provision is clear that arbitration and mediation as dispute resolution mechanisms are veritable tools in resolving disputes connected with telecommunications. The qualification, however, is that before disputes can be resolved by the Commission, the parties must have made an attempt to resolve the dispute between themselves through negotiation. This, no doubt, is a statutory intention to have disputes resolved by alternative dispute resolution rather than a court of law.

The foregoing shows the powers of the commission and an aggrieved party to any dispute arising out of telecommunications can only approach the commission for resolution of the dispute after he might have attempted to settle same between the disputing parties to no avail.

To further buttress this point, when a party is still dissatisfied with the decision of the commission, the party may still apply to the same Commission for review of its decision.

The position is as aptly captured by Nyako J. in *Nationwide Action against Corruption & Anor v. NITEL Ltd & 3 Oras* follows:

The issue as it appears to me is whether a person can seek judicial remedy before seeking the resolution of the dispute by the commission? The NC Act as I had ruled in the Econet case and the MTN cases (citation to be supplied) envisages only judicial review as the form that litigation concerning communication matters would take. This is clear from provision (sic) 86 of the Act.

The procedure to be followed before a matter is due for judicial review includes those set down in section 73-78 of the Act, section 73 is very clear that the commission has the resolving power. The wording in section 75(1) "-and requested by either or both parties to intervene therein" appears to be the issue. To my mind this bit cannot be read in isolation.

The first thing the law requires to disputing parties is to trying (sic) resolving the dispute before first involving the commission section 74(1). It is only when this fails that section 75 (1) will come into play.

There is no ambiguity in these provisions. An aggrieved person has only judicial review as his remedy before the court and by virtue of section 138 only the Federal High Court has jurisdiction to entertain this. However before a party can approach the court for judicial review, they must have first attempted to resolve the dispute between themselves when this fails, they could then either both or one of the parties request the commission to intervene and if still dissatisfied, then the decision of the commission could be subject to judicial review.

In Nigeria, therefore, the law allows parties to ventilate their grievances through arbitration or conciliation for resolution of disputes connected with telecommunications.

The crucial issue is: if the commission commits a wrong against a telecommunications operator or subscribers, how can the same commission arrive at a fair and just decision if the matter must be resolved by the commission?

It is humbly submitted that the principle of *nemo judex in causa sua* is applicable in all its ramifications in dispute resolution process. Hence, this appears to be a shortcoming in the legislative process which needs urgent legislative attention as the commission should not be a judge in its own cause.

As part of its efforts at enhancing and achieving its set aims and objectives, and pursuant to its powers to make and publish regulations and guidelines necessary to give full effect to the provisions of the Nigerian Communications Act, the NCC made Dispute Resolution Guidelines in September 2004 which provides procedure for arbitration and conciliation in resolving telecommunications disputes involving an amount not exceeding one million naira and the dispute does not involve complicated issue of law. It is the duty of the NCC to appoint arbitrator for the parties and proceedings are conducted based on documents and not on oral evidence. A party wishing to commence arbitration under the guidelines must have exhausted all dispute resolution procedures laid down by the service provider without resolution of the complaint.

Although the NCC Dispute Resolution Guidelines do not make reference to the Nigerian Arbitration and Conciliation Act or the UNCITRAL Model Law on Arbitration for dispute resolution in telecommunications, it is submitted that where parties have entered into an agreement having arbitration clause, the arbitration clause must be respected and adhered to.

6. Other ADR Processes yet to be Recognized

It is observed that ADR encompasses primary ADR processes (negotiation, mediation/conciliation and arbitration), the secondary ADR processes (private judging and mini trial) and hybrid processes (expert determination, med-arb, ombudsman and summary jury trial) and even the dispute avoidance board or dispute review board otherwise referred to as the (DAB or DRB). However, it should be stated that this list may not necessarily be exhaustive. It is a fact that of all the available ADR processes that may be adopted, only arbitration and conciliation is mentioned by the Act. In actual fact Arbitration seems to be the most popular ADR process in Nigeria. There is therefore, a general assumption in Nigeria that ADR is simply arbitration. This is clear from the position of the committee on the harmonization of the laws on ADR in Nigeria in pointing out the recognition of just a very few of ADR processes. The wrong perception and impression on ADR is actual than presumed. Although, some High Court Rules and ADR Centre Rules recognize other ADR processes, however, the use of Mini-Trial and mediation among other useful and meaningful ADR processes is still very low if non-existent in Nigeria.

These unexplored secondary and/or hybrid ADR processes that have been adopted and applied successfully in other jurisdictions if adopted in Nigeria may bring about benefits to the country in term of access to justice, improvement in the use of ADR in Nigeria and the entire justice delivery system by way of avoiding litigation in situations where ADR stands to serve a better purpose.

7. Mini-Trial

In Nigeria, the benefit of mini-trial is yet to be explored unlike in the United States where the advantages of mini-trial have been tapped. Experience has shown that in the United States the two most popular and important ADR processes have been mediation and “mini-trial.” The process (mini-trial) contrary to what readily comes to mind as suggestive of trial

as known in litigation or the adversarial system of justice. Mini-trial does not involve or connote trial in the actual sense but a structured settlement process designed flexibly to serve the purpose of the parties to achieve resolution. Mini-trial is a useful mechanism in the resolution of high stake business or commercial disputes where expeditious and confidentiality of the resolution of the dispute involved is required. Mini-trial is better referred to as executive tribunal.

In Mini-trial, the parties enjoy and still retain the power to negotiate a set of rules that regulates the process. The process eliminates all unnecessary side distractions that could elongate the resolution process. The time for preparation is kept short as well as the time for discovery. It therefore encourages expedited hearing which may be concluded within two days. The process is a tripartite arrangement (conducted by a 3 (three) member panel that consists of a neutral assessor appointed by the two representatives of the parties who have the express authority of their principal to settle the dispute. The parties meet to negotiate a settlement, and in case no meaningful settlement is achieved the assessor thus gives his opinion on the merit of the case and his role comes to an end. The two representatives of the parties take over further negotiations from here and they are guided by the earlier assessment given by the neutral third party assessor.

The significance of mini-trial as a process affords the parties the opportunity to have the opinion of a neutral assessor having heard both parties, particularly on the merit of the case involving the parties. The parties are therefore motivated to consider settlement of the matter having known the likely outcome of the case in case a law suit is instituted.

Mini-trial is in most cases a successful process. Empirical data have shown that the settlement rate of mini trial is beyond ninety-five percent. The outcome of a survey conducted by the American Bar Association reveals that:

Of 19 Lawyers and a former Judge who had participated in mini-trials reflected that 24 out of 28 cases using this process had ended in settlement, with 16 of the 19 lawyers satisfied with the process and enthusiastic about using mini-trial again.

It is no gainsaying that mini-trial as a process would serve a better purpose where technical and complex issues are involved that could best be resolved by someone who is an expert Assessor. Besides, the presence of the top executives of the company or corporations who have the authorization to resolve or explore the possibility of a negotiated settlement to get the issues resolved is virtually an added advantage.

However, in Nigeria where a number of business disputes involving big companies are common phenomenon, mini trial may be a useful mechanism in resolving them, although its benefits have not been explored. It is arguably correct to say that in Nigeria some of the laws or court rules on ADR provide that “any other lawful recognized method of dispute resolution” may be adopted but there is no any unequivocal mention of “mini-trial” which is imperative to put it beyond par adventure. This inadequacy was one of the observations of the Report of the Committee on ADR set up by the Federal Government of Nigeria. The committee stated that:

In the Arbitration and Conciliation Act 1988, the only method provided for is Conciliation. However, there are other well known forms of ADR, such as Mediation, Mini-trials and Med-Arb.

Thus, mini-trial deserves to be introduced into the main stream of the ADR processes in Nigeria and in resolving telecommunication disputes. Doing so is as well a way of improving awareness on ADR and a pragmatic approach to strengthening the application of ADR in Nigeria. This will as well afford the practice in U.S., where two top executives of two different companies or corporations could be brought together in one venue with the sole aim of listening to presentation on the strength and weakness of the disputes or issues involved in their presence. This definitely provides an opportunity to weigh the danger involved in outright trial of the case, due to the fact that a former judge or seasoned and experienced lawyer would have served as the assessor to give opinion on the likely outcome of the dispute if a court's verdict is to be given based on his knowledge of adversary trial. This opinion therefore, has the potential of guiding the parties into a compromise or settlement together with the advantages of privacy, flexibility and an expedite process. The parties concentrate on the most important issues and at the end it simply converts a lawyer's dispute into a business person's dispute with the possibility of combining any other ADR processes like mediation to achieve settlement.

8. Conclusion

It is shown that scholars are of the view that mediation and conciliation may be used interchangeably but they have not been consistent on the two being synonymous. Nonetheless, they are both consensual processes that are used interchangeably and differently. The common and recognized ADR processes in Nigeria are arbitration and conciliation going by the Act. The will of Chief Gani Fawehinmi clearly attests to the acceptability of ADR and particularly shows preference for arbitration (against litigation) as one of the fast and amicable means of resolving dispute. To limit ADR processes to arbitration and conciliation *simpliciter* is not adequate. Thus, the need to explore other mechanisms becomes imperative. There are other useful and meaningful ADR processes like mini-trial and mediation among others which if adopted will serve better purpose particularly in the resolution of business disputes in which high stake is involved. One of the easiest ways of doing so is to choose or incorporate a clause authorizing the use of any of these processes in our agreement. Similarly, when considering amendments to arbitration laws generally and arbitration in telecommunications in particular, recognition should be accorded mini-trial as a form of dispute resolution mechanism. Other ADR processes, especially mini-trial, should be explored to exploit the myriad benefits of ADR for an expedited, flexible, cheaper, private and harmonious dispute resolution.

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Part Seven
Literary Analysis



Trope of the Absent Mother in Selected African Novels

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Abstract. This paper examines the attempts of African novelists to explicate the effect of the absence of mothers in a family and especially in the lives of children. In the main, the discourse focuses on the child of both the dead, silenced or subjugated, alive but missing mother. It relies on the templates offered by Sade Adeniran's *Imagine This*, Chimamanda Adichie's *Purple Hibiscus*, Chika Unigwe's *On Black Sister's Street*, and Andrew Okogba's *When a Child is Motherless*. The impetus is to attempt a comparative analysis of the texts to draw a point of convergence and divergence in the experience of the child whose mother is absent. It is argued that the child of the absent mother is exploited, oppressed and lives a nomadic life on one hand and on the other, their experiences transform their outlook to life. They become assertive, hardworking and determined to change their situation. It is also established, from the experiences of the motherless child, that the place of the woman, a mother figure, in the life of any child cannot be overemphasized. Sometimes the father becomes even more devastated and helpless by the mother's absence. Thus, revealing the magnitude of the place of a mother and refuting the age long subjugation of the woman in family hierarchy.

Keywords: Child, Children, Mother, Absent

1. Introduction

Over the years, the African novel has evolved both in thematic focus, ideological preoccupation and criticism. Feminist ideologies in the African novel have been a major milestone, occupying a sensitive position in its writing and critical examination. The position of the maternal figure cannot be ignored despite the subjugation suffered by the woman in most African traditional setting and Nigerian cultural situation. African tradition has used myths, proverbs and cultural rite to undermine the place of a woman in the family and in the cultural society. The woman becomes a victim of these circumstances. However, women all over Africa like the Sierra-Leonean activist Daphne Williams-Ntiri and Molaria Ogundipe-Leslie have struggled to fight against this oppression, silence, relegation and the existing distorted images of women overtly and covertly. Female novelists presented the African woman from different positions because of the peculiarity of her variegated marginalization. For instance, Buchi Emecheta, Ama Ata Aidoo, Tess Onweme, Bessie Head and Mariama Ba have been preoccupied with issues affecting women such as tradition, polygamy, male chauvinism, culture, infidelity, infertility and the

like. They tend to use their writings to enlighten women and seek a solution to the patriarchal subjugation inherent in Africa.

In a bid to assert the relevance and place of a woman in African novels, there is the use of the trope of exemption from the scheme of things in order to see how the society or the home can thrive without her. Kolawole (1997) opines that:

African women are products of multiple subjugations. Patriarchy, tradition, colonialism, neo-colonialism, racism and gender imperialism all combine to act against the African woman's self assertion...there is the need to continue unfolding areas of visibility and power of African women... (25-26)

Absence is a relative and polysemic term with regards to womanhood in feminist discourse. A mother may be alive and living with the child but is absent. This absence may be as a result of several sociological factors inhibiting her presence, it may also be a voluntary absence triggered by divorce or separation and in another situation may be of natural cause which is death. Hence, the absence of the mother is portrayed in diverse ways. Firstly, death, which is inevitable, has been a pivotal point of call. The death of the maternal figure has been a recurring feature in African novels. The mother might be dead at the outset or during the course of the narrative. Her death; may result in a setback to the child, bringing danger, exploitation and impeding physical and emotional maturation; may be a blessing, saving the child from poor and indulgent parenting and paving the way for a more suitable parenting; may become a propellant force into doggedness and a more assertive lifestyle.

Secondly, the silenced mother has also become habitual in the thematic preoccupation of the African novel. This is as a result of African cultural practices, stereotypic nomenclature, patriarchy and traditional world view of women on one hand and on the other, the empowered woman in African societies are not portrayed in positive light. Jacinta Akaenyi (2013) observes that "empowered women are seen as women who have lost the gentleness, tenderness and care termed "softness" or "weakness" generalized as the essence of a woman, that is her femininity" (96). In lieu of this, the stereotypic image of the mother is presented as bowed, subsumed and second place to that of the man. Most archetypal women termed 'good' are those who have accepted male domination, relegation and enduring the pangs of patriarchy. Mary Modupe Kolawole (1997) comments on the silenced status of women as a default setting by citing from Irene D'Ameida's work titled *Francophone African Women Writers: Destroying the Emptiness of Silence* where she problematises the silence and taciturnity of African women. She observes that:

Silence represents the historical muting of women under the formidable institution known as patriarchy, that form of social organization in which males assumes power and create for females an inferior status (4)

Quite a number of women are subsumed under this formidable institution and they tend to accept their place it. The woman that totally accepts this muting under patriarchal systems and cultural provisos becomes bowed and this inadvertently affects the child negatively.

In addition, the absent mother may be alive but missing. She may be the uncaring, selfish and nonchalant mother, or the mother who has taken a drastic step against patriarchal

subjugation. The alive-but-absent mother holds the same view as Buchi Emecheta in an interview with Marie Umeh. Emecheta is of the opinion that:

I am a feminist with a small 'f', I love men and good men are the salt of the earth. But to tell me that we should abolish marriage like the capital 'F' (Feminist) women who say women should live together and all that, I say No. Personally I'd like to see the ideal, happy marriage. But if it doesn't work, for goodness sake call it off ... (See Kolawole 1997:pg 11)

The alive but absent mother loves to be married, build a home and raise children for the man but is intolerant of the patriarchal machinations against her so decides to call it quits leaving behind her children. The child is also subjected to the same experiences as the child of the dead or silenced mother.

Specifically, this paper examines the deployment of absent mothers as a trope in select Nigerian novels (Sade Adeniran's *Imagine This*, Chimamanda Adichie's *Purple Hibiscus*, Chika Unigwe's *On Black Sister's Street*, and Andrew Okogba's *When A Child Is Motherless*). The methodology relies on dialectical analysis and comparative inquiry. The trope of the absent mother in the novels is examined through an analysis of the select texts' thematic concerns, the attitude of the absent mother's offspring, replaced parents/mother figure, attitude of the maternal figure, nomadic existence and exploitation of the child and the like. By taking this approach, the paper is able to uncover a complex and complete picture of the experiences of a child without a mother. The novels also foreground the helplessness and incapability of the paternal figure in the demise or absence of a maternal figure.

The choice of the novel genre as the primary source of data for this discourse is informed by the fact that the most veritable vehicle in the engagement of the trope of the absent mother is through the novel. This is predicated on the fact that the novel provides a space for the narration of complex experiences and divulges into the innermost recesses of the psyche of the child to explicate their profound emotions. This opinion is supported by Ezeigbo (2008) that the novel "is the most profound and extended genre in terms of its expression of human experience and its capacity to make profound statements about the human condition" (8).

Previous studies on gender issues in Nigerian novels have focused on the fecundity of cultures and traditions in the subjugation of women, others have examined the role of African oral traditions as the harbinger of feminine marginalization and stereotypic representations, religious spiffs have also been considered as a hindrance to the visibility of women. However, this paper intends to deconstruct the overrated patriarchal structure by exposing the emptiness of both the male figure and the child in the absence of the mother. This paper is also a reaction to the on-going anxiety over the geometric progression of the influence of the feminine gender in the grand scheme of things. The findings of this paper suggest that the place of the woman is not and should not be at the margins but at the centre.

The Nomadic Motherless Child

Whether dead, alive but missing or silenced, the child of the absent mother is a wanderer, drifting from one foster care to the other in search of the eroded succor that the mother's demise has created. These movements from one guardian to the other may on one hand

make way for a suitable parent for the child, but in most cases, it exposes the child to greater exploitation and maltreatment. This recurrence of travel motif of the motherless child pervades the select novels for this paper.

In Sade Adeniran's *Imagine This the narrator*, Lola and her brother Adebola are wanderers from the foster care of one aunt to another, or one uncle to another. Their mother though alive but missing hence, they have an absent mother who has totally rejected patriarchal subjugation and decides to call it off leaving her two children behind. Lola is shipped off to the village – Idogun, to live with her aunt Iya Rotimi while Adebola is left in the care of Uncle Joseph. Lola experiences hell at Iya Rotimi's house and these cruel circumstances push her to her grandmother's house (Mama). Unfavourable conditions in Mama's house calls for her movement to Uncle Niyi's house which propels her to lament, thus:

I'm a football, kicked from player to player, only I don't know who's wining the game or which teams are playing. I'm an unwanted parcel. I've been staying with Uncle N since they let me out of the hospital (96)

This statement creates a vivid picture of her nomadic existence as a result of the absence of her mother. Lola also moves to Uncle Jacob's house and when their "charity will only go so far" she moves on and "hopes for the charity of Uncle N" (142). Lola narrates the cause of their movement from place to place and hinges it on their mother's absence. After Adebola gets burnt in the face by gunpowder explosion, Lola and Adebola shares the same thought on their predicament:

He's blaming it all on our absent mother and I agree with him, because if she was here we wouldn't have left London. If she hadn't left then we wouldn't have been in foster with Aunt Sue and Uncle Eddie...(65)

With this Lola reveals that they have even been in foster care in London prior to their coming to Nigeria. But Lola's stay at Uncle N's house is short-lived. It comes to an abrupt end when Iya Soji decides that she can no longer extend her charity and benevolence to her. She decides to give an ultimatum to Uncle N to either choose between their marriage and Lola's continual stay in the house. Having no food or shelter over her head, Lola begins to roam the streets of Lagos until she is hit by a car driven by a Good Samaritan, Alhaja. However, Lola being a charity case, has no other option but to move in with Alhaja and her husband Alhaji. This contributes to the streak of her nomadic exodus.

This nomadic existence is also pertinent in Andrew Okogba's *When a Child is Motherless*. The persona Emy narrates his ordeal as a child whose mother's demise rains upon him the woes of a motherless child adversely. Emy's mother (Nanu) drowns in a river which leaves him in the care of his grandmother. After a while Bulof, Emy's father, a sailor by profession, decides to take custody of his son. This marks the beginning of his woes and movement from one relative and foster care to the other. Judging from Bulof's profession, he is an absent father, which makes him abandon his son for relatives and strangers to take care of and this plunges Emy to a very adverse and more complex situation in the statuesque of a motherless child. Emy experiences a dual alienation, a sequester from his mother and a severance from his father. In the wake of his departure from the loving arms of his mother,

Emy is first dumped with Mr Benikumo and his wife who is his aunt. Later, he is transported and deposited with Uncle Ray at Chicoco but circumstances force him to return to his father's house but this bliss is also temporal because his father is always away sailing. He is again kept in the care of Auntie Ekha at Bayana. He narrates that "my father, my uncle and two aunts were all in one Island and I lived with every one of them at one time or the other" (188). This affirms his maze-like nomadic existence as he moves back and forth his father's house and those of relatives.

However, Emy's final stay with Madam Ogene fetches him better parenting, one which cannot be provided by his dad or any other relative he has had to put up with in the past. This marks an end of his exodus and grants him the privilege of being assertive, successful and different from his peers. He becomes a refined product, tried, tested, proven by the vicissitudes of life and shining brighter than imagined in his academics and other aspects of his social life.

Also, Adichie's *Purple Hibiscus*, though entails the woes of a motherless child, the mother of Kambili and Jaja is alive but she has been silenced by the strict dictates of Catholicism wrapped in patriarchy. The child of the silenced mother experiences the same injustices as the child whose mother is dead. Kambili and Jaja, frustrated by the patriarchal oppression prevalent in their home and bored by their mother's continual silence, decide to force their own nomadism by moving back and forth Auntie Ifeoma's house in Nsukka. The image of their mother as an oppressed and silenced woman is shown at the opening of the novel when Jaja decides to subvert this patriarchal structure by defying one of papa's upheld catholic injunctions, taking the Holy Communion. Papa vows to teach him a lesson and in the process destroys mama's ceramic figurine. Rather than complain or object to papa's actions, she just:

Stared at the figurine pieces on the floor and then knelt and started to pick them up with her bare hands... Although our spacious dining room gave way to an even wider living room, I felt suffocated (15)

The suffocation is from the silence mama exhibits in the face of Papa's oppression. As Brother Eugene carries out his evil machinations of patriarchy, mama keeps mute. This silence and muting, extends to the children as they always remain in "silence waiting until Papa was done with his siesta" (39) and silence to them is a way of life but this opinion of theirs is reversed after a visit to Aunt Ifeoma. Their first encounter with her children marks the beginning of their need to move and escape from the "silence that fills their house like the blue-black clouds in the middle of rainy season" (40). Their visit to Nsukka presented a neutral ground for the children to discover the difference in their existence in their home and the way other children lived. It presented a platform for comparative evaluation. The children discover that as opposed to the silence at home, in Auntie Ifeoma's house "words spurted from everyone often not seeking and not getting any response" (128). As a result of this discovery, they decide to leave the comfort of their home for Aunt Ifeoma's shanty house in Nsukka. Jaja's declaration "we are going to Nsukka today, not tomorrow. If Kelvin will not take us we will still go, we will walk if we have to" (265), confirms their desperation to flee the silence, oppressive and claustrophobic atmosphere to a place of freedom. Hence, they induce their own movement and nomadic existence.

In Chika Unigwe's *On Black Sister's Street* we meet with four nomadic women whose migration to Europe has been motivated by different factors but attention is drawn to the case of Ama and Efe because their movement is fueled by the absence and silence of their mothers as the case may be. For Efe, after the tragic demise of her mother, her father could not put himself together to brace up to the challenge of losing a wife. He is devastated and resorts to drinking and hostility. This drives Efe to take up the challenge of caring for her younger ones. In a bid to alleviate the poverty the family is plunged into as a result of their mother's demise, she is forced to yield to Titus's advances and in the long run she decides to migrate to Belgium for greener pasture and to flee from the financial pressures at home.

However, Ama on the other hand is driven into nomadic existence by the silence of her mother towards patriarchal subjugation. Her mother forces her out of the house to her aunt in Lagos in order to fulfill the expectations of society and to constantly romance the patriarchal demands of Brother Cyril her husband. Ama's mother subjects herself to silence in the face of subjugation and her daughter inadvertently suffers the same fate as the motherless child. After Ama's open confrontation against Brother Cyril's sexual abuse, as she recollects in diaspora, she describes the silence and subjugating demeanor of her mother begging to remain in an abusive marriage. Thus:

Ama's mother was on the floor, kneeling, hands stretched out in front of her, palms outwards: the same position she assumed when she prayed and called on her God to forgive her, a poor sinner...Brother Cyril laughed and unfolded himself from the chair he had been sitting on, waiting for his supper. He planted himself in front of Ama, his toes big and masculine... (148)

She is shipped off to Lagos like a cargo and her mother remains silent in the face of the oppression suffered by her daughter in the hands of her stepfather. From Lagos she moves to Brussels where she becomes a commercial sex worker and all forms of sexual exploitation and slavery follows. One can rightly say therefore, that the nomad inherent in the existence of a motherless child is a resultant effect of the search for succor which is nonexistent in the home where the mother is either dead, silenced or absent.

2. Oppression and Exploitation of the Motherless Child

There exists the trope of exploitation and oppression of the child of an absent mother in the selected novels. The hunger, deprivation, maltreatment and oppression which confronts the average African child in general, becomes prominent in the life of the child whose mother is absent. Devoid of motherly love, these children are subjected to all forms of maltreatment that impede and stunt their growth or development into both physical and psychological maturity. Madam Ogene affirms this in *When a child is motherless* thus:

Do not cry my child. Your experience is in line with the experience of any child who is motherless, he knows no love. When a child is motherless he lacks the tender hands of a mother who cares so much. His life is that of misery and sorrow (208)

The misery madam Ogene expresses here is experienced by all the children whose mothers are absent. The Emy's life of misery starts immediately he begins to live from house to house. At Mr and Mrs Benikumo's house, he is the personal slave of the family and does

chores without any moment of rest. In the process of carrying out his slavish chores, Emy sustains an injury which refuses to heal there is no adult supervision and care for the injury. The news of his injury gets to his father through a concerned neighbour and Emy is taken to the hospital for proper medical attention by his father, his guardians being unconcerned. After his return from the hospital, the injury worsens because “I resumed my domestic chores in earnest, I had even no time to go for the dressing of my wound...consequently, the sore relapsed” (137). The intensity of Emy’s domestic chores impairs him from visiting the UAC for constant care of the injury. He relapses and is taken back to the hospital on admission. This makes him to lose one academic term but he surprisingly declares, “I was happy to be there” as there will be “no more endless trips to the market with loads of yam tuber, no more street hawking”... (136). Emy’s exploitation hinders his academic progress for one session and his constant movement from one house to the other which means new schools and lost terms, earns him a prolonged primary education.

Just like Adebola and Lola in *Imagine this*, Emy laments the demise of his mother in the face of intense and adverse exploitation, thus: “oh my mother where are you? Why have you born me into the world only to abandon me when I needed you most” (178). Hence, since the mother figure is symbol of consolation, in times of intense hardship, the motherless child laments her absence.

Exploitation takes precedence in the life of Lola and Adebola her brother in *Imagine this*. Their lives are pervaded by misery as they are towed from the house of one relative to another. For Lola, she is beaten with many stripes at Idogun. Hunger, battering and excessive house chores were her fate. She is the thief whenever anything gets missing, she is the liar and all sorts of recriminations are meted on her at the slightest opportunity. At Iya Rotimi’s house, she is deprived of rest or holiday. Hence, her epistolatory message is directed to Jupiter the biggest planet with the assumption that Jupiter can come to her rescue. She complains that “my neck is sore from carrying a zillion yams, my back aches from pulling weeds and my hand hurts from making mounds” (12). Her constant carrying of yams from the farm without food stunted her growth. She is constantly hungry and always busy on an empty stomach as she explains:

Whenever something goes missing the finger points to me and I get punished. I never get dinner and I have to wash all the dirty plates when everyone else has finished eating. When no one is looking, I lick the plates because I am so hungry all the time (19)

Her grandmother does not even help matters as she compounds her state of hunger. This propels Lola to lament that “what I want most in the whole world and I know I can never have is a mother who cares for me” (119). Adebola also goes through the same experiences and ordeal as Lola in the house of Uncle Joseph as “he has to wait until everyone has eaten and he gets the leftovers...he is treated more like a servant” (43). Adebola’s death is as a result of lack of care and maltreatment Uncle Joseph metes on him. This can be deduced from his last letter to Lola:

He is still a bit ill and that he hasn’t gone back to school because Uncle Joseph says he has to stay at home and get better. But all he does is wash the dishes, wash and iron the clothes, clean the house, go to the market, and make sure there’s food on the table when everyone comes home (84)

Adebola's ill health is ignored as he continues with his house chores in starvation and this leads to his untimely death eventually. Just like Emy, Lola sustains an injury in the course of carrying out her duties but no one cares to give her the necessary treatment hence she almost lost her leg. The general condition of Lola especially after Adebola's death makes Uncle Niyi refer to her as a deprived child. Uncle Niyi decides to take her to Lagos where she is plunged into another level of exploitation.

Uncle Niyi, armed with the fact the Lola has no one to help or rescue her from his hands begins to exploit her sexually. She laments her vulnerability as an offspring of an absent mother thus:

Who do I tell? I thought he loved me but clearly I was mistaken. I feel dirty and violated...
"Uncle, why were you touching and sucking on my breast last night? If I tell anyone he'll send me away and there is nowhere else for me to go, no-one else to pay my school fees (177)

Lola's exploitation and sexual violation is an upshot of her helplessness and lack of motherly care and attention. This is also the case with Ama and Efe in *On Black Sister's Street* where both ladies because of the absence and inaction of a maternal figure, they are subjected to sexual exploitation and commodification.

For Efe, Titus exploits her sexually in exchange for the financial favours he gives her. This can be deduced from their love making episodes:

When they went to a hotel Titus liked to take his time. He would drag her onto the bed...undress her and then have her parade the room naked before jumping on her and dragging her back into the bed again. He would make love to her, sleep, wake up and start again. Everything happened in silence save for Titus's moaning of pleasure (59)

Ama on the other hand is sexually exploited at the age of eight by her step father who is highly patriarchal in the guise of religion. He comes into her room in the middle of the night to violate and defile her while her mother seems to be busy to boiling "the clothes the assistant pastor on his way to becoming a pastor had to wear so that his purity glowed" and when the clothes are not clean enough to reflect his state of purity he "expiated her sin with a beating" (144).

Kambili and Jaja in *Purple Hibiscus* are maltreated and regimented by their father to the extent that their cousin Amaka regards them as *atulu* which means sheep. Brother Eugene subjects them to constant beating and punishment for expiation of their sin which may come in the form of violation of catholic doctrines and practices. When Kambili and Jaja returns from the village with the news that they slept in the same room with their grandfather who Brother Eugene regards as an infidel and a "heathen", he subjects her to a life threatening kind of punishment incommensurable to such a trivial offence in question. Papa takes Kambili to the bathroom:

"You should strive for perfection. You should not see sin and walk right into it". He lowered the kettle into the tub, tilted it towards my feet. He poured the hot water on my feet, slowly, as if he were conducting an experiment (201)

The silence of mama towards this injustice and maltreatment given to her daughter in her presence exemplifies the subjugation she has come to live with and exposes her children to all manner of ills. Kambili observes that as papa carries out this act of wickedness, her

mother just stands there looking with “tears running down her face” (201).

Brother Eugene repeats this same streak of punishment when he discovers a hidden picture of their “heathen” grandfather with her. She receives “slaps, kicking, kicking, kicking” (217) she passes out and wakes up in the hospital. In all these her mother is silent about it. She lacks the courage to challenge the animalistic treatment meted on her children. She is alive but dead in her actions and Kambili expresses a resentment of her silence and cringing beneath the wheel of patriarchal structures:

Mama reached out to hold my hand. Her face was puffy from crying, and her lips were cracked with bits of discoloured skin peeling off...I wanted to push her away, to shove her so hard that she would topple over the chair (218)

Her intention of pushing her mother over is a way of resenting her inability to stand up against papa and his fallacious beliefs and practices. This silence has plunged her and Jaja into the fate of motherless children.

3. Strength in Helplessness: Swimming against the Tide

The trope of the absent mother in Nigerian novels has been expressed using the bildungsroman genre. This enables us follow these characters from their age of innocence to that of experience. Their experiences, setbacks and exploitation serve as propellants to a stronger and much more successful adulthood as opposed to children who have been fed with silver spoons. They embrace the concept of the ‘total-man’ and excise themselves from the shackles of oppression to become independent young men and women who are able to raise their voices against any form of injustice. According to Ibitokun (1998)

All commissions and omissions of man somehow define him as he is. In this respect, his cumulative acts are adjectives which individuate him and enable us to know his capabilities and idiosyncrasies. Our acts are the measure of our progress and growth as well as of our sclerosis. Through our acts, we can turn nature into a beautiful culture or a waste land (121) This statement suggests that man has control over his existence and we are what we make of our lives on earth. Circumstances do not shape man but we are shaped by the choices we make in adverse situations. In spite of the challenges, exploitation and deprived childhoods of these motherless children, they make the best out of life.

Academic excellence is what Emy covets so much and he ends up excelling above his peers in the WASSCE and this spurs him to proceed to Nigeria’s premier University of Ibadan to bag a degree in plant science. Madam Ogene cheers him on in his academic feat and this encourages him to strive for more academic excellence.

Jaja begins to speak up for himself, his mother and sister. He challenges his father’s views and surmounts the oppressive structures built by patriarchy. His determination to stand for his mother in jail even when he is aware of his innocence is a pointer to his bravery. This unassuming trait in him is brought to limelight as a result of the trials he has faced in the hands of his father. He has become gold, shining brighter after passing through the fire.

Lola grows up to become a strong woman. Before the death of her dad, she summons the courage to stand up to him and to make her demands for whatever she needs. When she proceeds to have a relationship with Segun, she doesn't tolerate infidelity or any singular act against her so when Segun cheats on her she calls it quits to his chagrin. She is vehement in her decision not to be "the first wife who tolerated her husband's infidelity by accepting wife number two, three, four, five...I made him leave, I'll be fine" (253). This is a declaration that can only be made by a strong and resolute woman.

Efe and Ama become dogged in their quest to succeed and this motivates their movement to Brussels. Although, not morally justifiable, they become commercial sex workers, the point to be driven is the fact that they did not continue in self pity rather they braced up to the challenges of their existence. They exhibit determination and doggedness in their undignifying labour.

4. Conclusion

The increased rate of maternal mortality, divorce and patriarchal subjugation in modern times has led to an increase in the absence of mothers in the lives of their children. This has plunged the children into all sorts of vices ranging from exploitation to oppression and nomadic existence. The understudied texts have revealed that the absence of the mother mars the general wellbeing of the child and stalls his physical and psychological growth at the onset. But these children, as a result of their ordeals in life grow up to become stronger adults whose outlook towards life portrays an aversion for oppression, dependence and subjugation. The use of the bildungsroman narrative and the first person narration in the texts allows a divulgence of the innermost recesses of these motherless children as they navigate through life. It also makes room for the observation of their emotional and psychological growth into maturation as the case may be. The argument therefore is that the absence of a maternal figure is in no way healthy for a child in the developmental stage.

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Convergent Thematic Discourse in Ngugi Wa Thiong’O and Micere Githae Mugo’s *The Trial of Dedan Kimathi* and Stephen Kekeghe’s *Pond of Leeches*

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Abstract. Every nation that experienced colonialism in the past must have some horrible tales to recount about their anti-colonial struggle. During this era, Africans felt being oppressed, exploited, segregated and dehumanized by their colonial masters. This consequently made them constitute different nationalist movements to eradicate all forms of colonialism from the continent. However, the attainment of political independence could not eliminate the colonial woes that informed our agitation for freedom because things have become worse since then. Our political leaders seem to lack implementation strategies or never show patriotic zealousness towards ensuring all-round transformation of the post-independence nation. The corruption, injustice, exploration and exploitation, bestiality and suppression which we inherited from the colonizers appeared doubled in our Post-colonial society. In this paper, our focus shall be on how Africans struggled against the colonization in Kenya and how the people of Niger Delta, Nigeria currently respond to economic and political woes of the colonialism imported into the Postcolonial era. This would be achieved by critically examining the convergent thematic preoccupations in Ngugi and Mugo’s *The Trial of Dedan Kimathi* and Stephen Kekeghe’s *Pond of Leeches*. Though both plays represent different historical periods in Modern African drama, they have some similarities in areas which shall form the basis of our discourse.

Keywords: Colonialism, post-colonialism, conflict, rebellion and freedom.

1. Introduction

African playwrights from a time immemorial have been writing to chronicle the experiences of their people. They perceived the documentation of socio-economic and political turbulence as a channel towards educating Africans and reconstructing the past for a better future. Several parts of the African continent experienced one historic incident or the other during the Pre-colonial period, Colonial or Postcolonial era and these are re-enacted in the dramatic genre of literature. African prolific playwrights or dramatists that incorporated societal happenings in their works include Wole Soyinka, J. P. Clark-Bekederemo, Niyi Osundare, Ola Rotimi, Armed Yerima, Ebrahim Hussein, Athol Fugard, Ngugi Wa Thiong’O, and Micere Githae Mugo, to mention a few. In the same vein, Stephen Kekeghe,

a new Nigerian playwright has joined the league of African writers to chronicle the economic and political turbulence that characterized the Niger Delta region of Nigeria. In this paper, we shall discuss several convergent thematic preoccupations in Ngugi and Mugo's *Trial of Dedan Kimathi* and Kekeghe's *Pond of Leeches*. Though the writers represent different African countries and historical periods, their works portray pathetic experiences of Africans in the hands of exploiters and colonizers.

Africa is endowed with abundant natural resources either solid or mineral but our blessings seem to be the major cause of conflict in most countries. From the pre-colonial era till date there have been conflicts over land boundaries, crude oil, and economic tress like rubber, cocoa, timber, palm trees and so on. During the colonial period, the conflict in Kenya was that of land and the deprivation of the original Kenyans of their rights to own and control their valuable resources. The land tenure system practised in Kenya transited from pre-colonialism to colonialism to post-colonialism. Before colonization, Kenya practised customary land tenure where land was owned by different clans based on a socially and culturally known and accepted arrangement among the community members (Kalande, 2008: 2). Ngugi and Mugo, therefore, present a historical recreation of the Mau Mau struggle led by Dedan Kimathi to liberate the peasant Kenyans from the oppressive administration of the British imperialist.

Kekeghe's *Pond of Leeches* also focuses on a revolutionary struggle to liberate the minorities in the Niger Delta of Nigeria. The symbolic region which is being explored of its crude oil remains underdeveloped. The exploiters live in affluence while the inhabitants languish in abject poverty. The consequences of the age-long neglect of the region by past governments are the environmental degradation, high incidence of unemployment, poor working relations between the police, oil prospecting (multinational) companies, members of the local communities as well as widespread poverty-leading to the withdrawal of trust or confidence from the Nigerian state (Arowosegbe, 2006: 3). The struggle for resource control which appears dead in the symbolic region continues in the imagination of the author and with the combination of physical and supernatural powers the battle is won.

In Kenya on the other hand, the attempt to liberate the peasant Kenyans and labourers from the oppressive administration informed the formation of the Mau Mau movement. Just as Kenyans experienced land-related conflict, other African colonies like South Africa, Algeria, and Zimbabwe also confronted the racial-land disputes with a large number of white settlers who deprived the indigenous Africans of their land (Ngwochu, 2012: 895). The traditional system of communal land ownership was practiced in several parts of Africa especially where subsistence agriculture is practiced but in Kenya the advent of colonialism put an end to this. According to Humanitarian Policy Group (2008: 2) during the colonial period, British land policy favoured (White) settler agriculture, entailing the dispossession of many indigenous communities' land across the Rift Valley and Nyanza, Western and Central Provinces which are the White Highlands. The British imperialists forcefully alienated the indigenous Kenyans from their land and re-allocated the fertile areas mentioned above to only the white settlers. This oppressive decision turned the Kenyans into mere tenants and labourers while the white settlers became the landlords across the country. For proper understanding of our discourse, this paper shall examine Colonialism and Post-colonialism as its conceptual frameworks.

2. Colonialism and Post colonialism

The concepts of Colonialism and Postcolonialism are of great relevance to this study because our focus shall be on critical analysis of texts produced by authors portraying the

experiences of people in formerly colonized territories. Colonialism is a system where a stronger and more powerful nation controls the economic and political affairs of a weaker one. It could also be defined as “the activities of the European colonizers in the process of conquest and rule of Africa and the reaction of those who were subjugated to European conquest and rule” (Ekeh, 1983:3 cited in Paki and Edoumiekumo, 2011). Ekeh’s idea of colonialism above reveals that the colonized must respond to the colonial process which they consider alien to them. Colonialism as Butt (2013: 3-6) perceives it involved an attempt to impose the colonial power’s culture and customs onto the colonized. Besides the foregoing, Butt further reveals that colonialism typically displays three characteristics which include domination, exploitation, and cultural imposition. In Nwanosike and Onyije’s (2011: 625) opinion, colonialism is a system of rules which assumes the right of one people to impose their will upon another. This must inevitably lead to a situation of dominance and dependency which will systematically subordinate those governed by it to the imported culture in social, economic and political life. The dominance experienced in most African countries resulted in violence that claimed many lives with valuable property destroyed.

Also commenting on the negative effects of colonialism in Africa, Igboin (2011: 101) states that colonial rule was an imposition that unleashed deadly blow on African culture with the immediate consequence of the introduction of such values as rugged individualism, corruption, capitalism and oppression. The extent of damage caused by colonialism in African soil shall be critically examined based on Kenyans’ experience chronicled by Ngugi and Mugo in their co-authored play, *The Trial of Dedan Kimathi*. Most of the foibles or fallouts of colonialism stated above are transferred to the postcolonial era and in affirming this fact, Hamadi (2014:40) establishes that “the consequences of colonialism are still persisting in the form of chaos, coups, corruption, civil wars, and bloodshed, which pervade many of these countries, mainly because of the residues of colonization”. The aftermaths of colonialism are being experienced today in many African countries including Nigeria, South Africa, Kenya, Ghana, Uganda and Tanzania, to mention a few. In expressing their regret over the political power of the colonizers over their colonies in Africa, Nwanosike and Onyije (2011: 626) cites Walter (1992: 246-8) who maintains that colonial rule meant the effective eradication of African political power throughout the continent and that colonialism crushed by force all pre-existing states in Africa but that those that survived were puppet creations. In order to educate the people about these abnormalities, African writers especially the playwrights resolved to x-raying them through their works.

The concept, *Post colonialism* connotes after the era of colonialism and as Shrand (2008: 8) asserts the term has been used primarily in discussions of the geographical areas of the former colonies of the British, French, German, and Portuguese empires. By implication, any country that was formerly under the governance of the above powerful nations is regarded as their colonies. To buttress his viewpoint, Shrand cites Ashcroft, Griffith, and Tiffin (2002) who affirm that “any culture affected by colonization can be seen as part of a postcolonial geography.” Having known the territories that constitute former colonies, we can therefore state categorically that Post colonialism sees literature as an avenue to probe into the history of society by recreating its past experience with the mind of forestalling the repetition of history (NOUN, 2014: 272). Though postcolonial literatures aim at preventing the ills of exploitation, dominance and mismanagement of resources, these problems seem to reoccur in postcolonial societies. In affirmation of the above Butt (2013: 6) posits that Post-colonialism does not simply seek to tell the story of what happened after decolonization, but seeks a critical perspective on its ongoing, problematic legacy. Therefore, the bedrock of Post-colonialism or still Postcolonial theory as NOUN (2014)

posits “analyses literature produced by cultures that developed in response to colonial domination, from the first point of colonial contact to the present” (271). The battle being fought at present is no longer that of anti-colonialism but that of postcolonial disillusionments.

The challenges facing the Niger Delta at present are perceived as worse than what Nigeria experienced during the colonial era. The rule of the British was rather draconian. The people were sucked more and more into the vortex of colonial rule and the consciousness which was later created in the people” led to the agitation for “human rights and freedom. Their hatred of oppression was a catalyst in their quest for freedom. At independence, the situation grew worse” (William, 2002: 382). Therefore, in this paper, we shall examine the anti-colonial struggle between the Mau Mau group and the British colonial forces in Kenya, and the struggle for resource control vis-à-vis eradication of oil exploiters that imposed untold hardship on the people of Niger Delta of Nigeria after her political independence.

3. Convergent Thematic Preoccupations in the Plays

Ngugi and Mugo, and Kekeghe distinctly portray the effects of colonial and postcolonial exploitation and institutionalized injustice that characterized their societies during the historical periods in which the plays are situated. In order to eradicate these woes and improve the welfare of their people, certain drastic measures must be taken which gave rise to the revolutionary struggle chronicled by the authors. Our discourse shall be centred on the convergent thematic preoccupations that are predominant in Ngugi and Mugo’s *The Trial of Dedan Kimathi* and Kekeghe’s *Pond of Leeches*. Though both plays represent different historical periods in Modern African drama, they have some similarities in areas of thematic preoccupations which formed the basis of this paper. These themes are numerous and interwoven, however the peculiar will be critically examined in distinct headings.

4. Rebellion and Liberation

The heroes in *The Trial of Dedan Kimathi*, and *Pond of Leeches* are freedom fighters but the governments see them as rebels or terrorists. In *The Trial of Dedan Kimathi*, many Kenyans especially the peasants and labourers saw Kimathi as a heroic nationalist, courageous leader and revolutionist who actively co-ordinated the Mau Mau uprising that attracted world attention and led to the liberation of the Kenyans during the colonial period. In the play, Kimathi perceives the on-going struggle between the colonialist and the Kenyans as a battle for freedom. He declares the purpose of the revolution; “Know that we are fighting against British Colonialism and imperialist robbers of our land, our factories, our wealth” (64). He sees the imperialists as those who came to rob them of their resources and plunder their factories while the Kenyans who are the original owners of the wealth languish in impoverished condition. Kimathi wonders what must have made the British imperialists invade Kenya and subject the people to hardship:

KIMATHI: [angry]: this kind of imperialism’s vermin

Makes my blood boil with hate.

Did you come all this way

Many thousands of miles

Across the sea, over the air,

Along way from your home,

To kill our people

So that Lord So-and So
Might drink other people's blood in peace (64).

The oppressive and exploitation of the Kenyans took another dimension as the British imperialists planned to protect their land. According to Veit (2011: 5), "the settlers banned the growing of coffee by Africans, introduced a hut tax, and granted landless Africans less land in exchange for labor." The consequence of this as Veit clearly observed was the exodus of Africans to cities in order to provide means of livelihood for their families. This migration was however restricted by the British government "through marketing controls, stricter educational supervision and educational land changes." The obnoxious laws made by the British government aggravated the miserable plights of the Kenyans which prompted their reactions against the imperialists.

The exploitation of the Kenyans chronicled in *The Trial of Dedan Kimathi* is similar to that in Kekeghe's *Pond of Leeches*. In the play, the Chairman who hails from another quarter claims the ownership of the resources and remains resolute in his decision to exterminate any opposition. Because of his tyrannical nature, elders dread and eulogize him as; "The-killer-killer-to-save-the-oil"; "The-product-shall-live-the-people-shall-die!" and "The-king-of-the-concubines" (55). The survival of the people is not paramount to the Chairman hence he wants them dead as long as the oil lasts but in order to eliminate the dictatorial administration of the Chairman, Ovwata employs both physical confrontation and spiritual powers to ensure the successful emancipation of the people of Egbo Quarters. He uses supernatural powers like "iwvri" and "odidi" chants, to conquer the enemies and attain freedom for the people of Egbo Quarters after the oil wells dried up.

Kekeghe through his play presents a society where the resources of a minority quarter is explored and exploited by political leaders for their personal aggrandizement while the quarter that produces the mineral resources suffers marginalization, environmental degradation, and underdevelopment. The underdevelopment of the Niger Delta region, according to Osaghae *et al.* (2008: 16), "is the consequence of deliberate policies of discrimination; deprivation and criminal neglect that minority groups in general have suffered from in the country." The struggle in the play therefore is that of self-determination and local autonomy for Egbo Quarters symbolizing the Niger Delta of Nigeria. However, Paki and Edoumiekumo (2011) trace the Niger Delta problems to the colonial period because according to them:

The colonial government made obnoxious laws that expropriated them of the oil and gas resources in their land, which has been copied by the Nigerian state. The region is therefore left to bear the consequences of oil exploration and exploitation, which adversely affect their livelihoods by destroying farmland and fishing waters, causing pollution and environmental degradation (277).

The exploitation of the crude oil left the oil-rich geographical area devastated with its inhabitants hopeless and helpless in the hands of the totalitarian dictator under the unitary system of government. In the play, the Chairman through the Crier stipulates the punishment that would follow any form of rebellion against the government over the issue of the crude oil:

CRIER: Great people of Egbo-land! Lend me your ears. The Chairman has mandated me to tell

you that any oil found in this quarters is a property of the father community. And anybody who threatens the peace of the oil business shall be executed. I have spoken the words of the Chairman. Haven't I? (36-7)

Ovwata sees the message of the Chairman as a ploy to suppress the people of Egbo Quarters who may rise up against the exploitation of their resources. He condemns the decree and vows to fight for the liberation of the land. He addresses his nephew, Ophu:

OVWATA: My son, did you hear that? People are bearing the consciousness. Continuous oppression must evoke the voice of the oppressed. I will not go to bed with my house burning. I felt the pang of misery when my wife collapsed in my hands with the bullets that perforated holes through her lovely chest! That darling chest...

OPHU: I weep for the dark moment of a generation... (37)

The conflict in *Pond of Leeches* is over control of crude oil while that in *The Trial of Dedan Kimathi* is a struggle for eradication of British imperialism and reclamation of stolen lands. In Kenya, the most valuable natural resources is land which the British imperialists cultivate crops and export them to their countries as raw materials. *The Trial of Dedan Kimathi* and *Pond of Leeches* are both revolutionary plays that focus on the emancipation of their people from the shackles of poverty and injustice. The struggle in *Pond of leeches* is headed by Ovwata and Ophu who are agitators and freedom fighters in Egbo Quarters while that in *The Trial of Dedan Kimathi* is spearheaded by Kimathi, the leader of the Mau Mau movement who is also determined to terminate the British colonialism in Kenya. Kekeghe's and Ngugi-Mugo's works therefore reflect African societies where oppression and exploitation of the masses become the order of the day. Since dialogue could not yield positive impacts on their lives, the victims resolved to revolution spearheaded by Kimathi, Ovwata and Ophu.

5. Determination and Resistance

Kimathi and Ovwata who are the central characters in *The Trial of Dedan Kimathi* and *Pond of Leeches* respectively are determined to secure freedom for their people at all cost. In *The Trial of Dedan Kimathi*, Kimathi's struggle lands him in jail as the British government charged him with "illegal possession of a firearm, namely a revolver, without a licence"(3). Even with his arrest and detention, his followers refused to surrender instead they show deeper sense of doggedness in their struggle to resist the colonialist and recover their stolen lands. In *Pond of Leeches*, Ovwata and Ophu are also determined in their fight against the oil exploiters who have subjected them to abject poverty. All attempts made by the influential Chief Shenye and some elders to thwart their revolutionary struggle proved abortive. In *The Trial of Dedan Kimathi* when the representative of commerce, the Business Executive visits Kimathi and persuades him to surrender, he reassures the delegate of their commitment to the struggle, "We have travelled thus far, this road together" (44). The actualization of dreams and aspirations can only be possible if the people involved are united and unyielding.

In the play, Kimathi also reassures the audience of his determination when he receives pressure from the Banker and the Priest. The Priest appeals to him to give up the struggle and work towards heaven but not "about earthly things, earthly struggle"(49). Though Kimathi believes in the Holy Bible and sometimes quotes from it to support his struggle, he becomes disappointed at the manner the Priest uses some of the biblical verses to persuade

him to abandon the struggle. When the Priest asks him to surrender his heart and allow Jesus speak to him, Kimathi refused and instead affirms his ancestral support; “I have spoken with the God of my ancestors in dreams and on the mountain and not once did he counsel me to barter for my soul” (49). Despite the temptations to relinquish the fight against the exploiters Kimathi remains adamant because he sees nothing wrong in people fighting against exploitation.

Also in the play, resistance is shown by the Girl who refuses to be intimidated after several escapes from being attacked by the Boy. Here is the conversation that took place between them:

BOY: I don't want to fight you.

GIRL: [venom in her voice]: Coward.

BOY: I really mean it.

GIRL: Coward.

BOY: I want to apologize.

The Girl wonders why she should continue to run instead of confronting his enemy who is never tired of chasing her. At this point, she declares: “A trick. Coward. Bully. Brute. I ‘ll never run away from anybody. Never”(42).According to the narrator, “the GIRL was panting with anger, walking, knife in hand.” At this point she becomes courageous to protect herself and resist any possible attack from the enemies that have been chasing her into hiding. She reacts:

All cowards, all brutes and bullies behave the same way...They humiliate you, insult you, injure you. Show that you are s human being: struggle, fight back and it becomes their turn to run away, to flatter you, to try and make you their friends. Bully boy: It's see your manhood; or are you scared of a girl? (42)

Also demonstrating the spirit of courage and determination is the Woman who the narrator describes thus: “Fearless determination and a spirit of daring is her character. She is versatile and full of energy in her responses to different roles and situations. A mother, a fighter, all in all. She has fearless determination and a spirit of daring”(8). She is intelligent, diplomatic and courageous just as Kimathi and Ovwata together with Ophuaré patriotic citizens that remain resolute in the struggle to liberate their land. They are dogged freedom fighters who spoke the language of justice throughout the struggle. In the case of Ophu, Ovwata acknowledges his role in the fight and addressed him as “the seed of liberation” (96).After the death of Ovwata, Ophu admonishes the people not to mourn but implores them to celebrate him for putting an end to their “Sorrows, pains, poverty, alienation, futile struggle” and above all “Ovwata is a savior” whose heroic qualities must be emulated (97). Kimathi on the other hand is a revolutionary leader, hero, and freedom fighter of the people of Kenyans. Not even the sermon of the Priest could make him change his faith in the struggle for the eradication of colonialism from Kenya. He shows his disregard to the Priest who he perceives as a traitor.

6. Suppression and Exploitation

In both plays, the masses suffer a great deal of suppression and deprivation in the hands of their exploiters with the connivance of other subjects. In *The Trial of Dedan Kimathi*, the Imperialist forces introduced measures to suppress the Kenyans through imposition of curfew, search and arrest, detention and indiscriminate killing of rebels and suspects. In spite of this move, the people refused to surrender to the British forces. According to the

Woman in the play, "Let a thousand bullets be short through our heads, but I believe; one day, the soil will be restored to the people. Our land shall one day be truly ours" (21). The suppression of the Kenyans by the imperialist power has reduced them to second class citizens in their own land. Regrettably, Kimathi reports the wretched plight of the Kenyans who are now;
Slaves of hunger, disease, sorrow
In our own lands
While foreigners eat
And snore in bed with fullness (38)

During the colonial era, lands and plains in Kenya were stolen from the original owners which the Kenyans led by Kimathi fought to recover. His remark above reveals the consequences of the constant suppression of the people which include starvation, disease out-break and disillusionment. Ngugi and Micere painted a vivid picture of country where the original inhabitants are treated as subjects and labourers while the foreigners enjoy the fruits of their labour. According to Veit (2011: 3), with the imperial power, the British government considered Africans to be "tenants at the will of the Crown." The once communal land ownership has become private land ownership which has adverse effects on the Kenyans. With this practice, most natives were stripped off chunks of land, which they previously tilled and free movement was curtailed. This resulted in landlessness, limited arable land and distortion in labor distribution (Bernard and Gachaba, 2014: 51).

In *Pond of Leeches*, Kekeghe presents traditional chiefs and leaders who connive with the government to suppress and exploit the masses. The Chairman intends offering Ovwata some money to forget about the struggle as Chief Shenye did in the past when he was leading some youths against the government. He tells Ovwata; "Why don't you just think of yourself and forget? Forget all this business of fighting for everybody and tell me what you need. Money is not the problem. How much of it you need is not the problem!" (59) In spite of this offer, Ovwata maintain his stand against the Chairman and calls for his voluntary resignation or he would be eliminated. But after Ovwata has been dispossessed of his *ebri* and magic fan by the Chairman's guards, he was arrested and sent to the prison.

In *The Trial of Dedan Kimathi*, Kimathi is also arrested but since his offence is that of unlawful possession of an unlicensed firearm, the British imperialists charged him to court. In the case of Ovwata, his offence is that of opposition though without taking up arms and after his arrest, he was detained until Ophu came to his rescue. The arrest of Ovwata creates another opportunity to share money to all chiefs and elders of the community who connive with the Chairman to exploit the people. The Chairman orders his guards; Guards! Bring one bag of fortune from our storehouse. My chiefs and elders must go home with clean currency...(63). In *The Trial of Dedan Kimathi*, the Woman accuses the foreigners of exploiting the Kenyans who as she clearly stated, "are tearing one another...and all because of crumbs thrown at them by the exploiting foreigners"(18). In her resolute opposition, she reaffirms Kimathi's teaching to end the constant exploitation of the original Kenyans; "Unite, drive out the enemy and control your own riches, enjoy the fruit of your sweat" (18). The determination of the Kenyans to eliminate the white settlers could also be seen in the characters of Ovwata and Ophu who remain adamant in their effort to eradicate the leeches from the Niger Delta region.

7. Betrayal and Hypocrisy

This thematic preoccupation runs through both plays because in every struggle there is always internal conflict caused by those who do not believe in the struggle. In *Pond of Leeches*, apart from Ophu, Ovwata is betrayed by his kinsmen including his brother, Oteri who ostracized him during the fight. When the Chairman's guards confronted Oteri in rampage he showed them the way to Ovwata's house which led to the murder of his wife and mother. Oteri explains his escape to Chief Shenye who wonders why he survived the rampage:

CHIEF SHENYE: I was aware of their dreadful rampage. How did you manage to escape their horror?

OTERI: A wise beetle does not get roasted with yam. I showed them the pathway to Ovwata's house and informed them that Ovwata is my worst enemy. That was how they went in their bloodthirsty procession and wiped out the entire Ovwata's family, including my aged mother who went there to massage her stiff muscles. (41)

The consequence of Oteri's betrayal is enormous in the play as it does not only claim the entire family of Ovwata but also that of his own mother. He declares Ovwata an enemy instead of standing by him in the struggle to eliminate the leeches in the community. Even Chief Shenye betrays the people he claims to represent because of greed. He works to please the Chairman instead of the betterment of his own people. Like Ovwata, Kimathi is also betrayed by his own brother with some Mau Mau warriors who conspire with the colonialist to thwart the struggle. According to the SECOND SOLDIER:

Wambararia, Kimathi's own brother, are wearing hoods, pointing out the terrorists and their supporters one by one. I myself fear something quite different. Angry mothers who have lost their husbands and children might want to tear that beastly Kimathi to pieces! (13)

Kimathi's betrayal in the play, however, signifies all Kenyans with myopic vision about their horrible condition of living and the essence of the emancipation of Kenyans. Like the tragedy that befalls Ovwata's family following his betrayal in *Pond of Leeches*, that of Kimathi results in mass killing of husbands and children by the colonial soldiers who are led by the African traitors and ex-Mau Mau warriors. In spite of the brutality that resulted from the betrayal of the Kenyans and the people of Egbo Quarters, all the chief warriors remain determined in their struggle.

Closely related to the subject of betrayal in the plays is that of hypocrisy which could be seen in the character of Bishop Ukemu who deceives the people of Egbo in the guise of spreading the gospel of Christ. He joins Chief Shenye who exploits the people by collecting money from him and even became the Director of his political campaign organization. Bishop Ukemu symbolizes political pastors who take advantage of the gullibility of their members in acquiring wealth by preaching that everything in life is vanity. In the play, Chief Shenye knows that many pastors are swindlers who possess oratorical skills in convincing their followers so he wants one as his campaign director. According to him; "If I must have a successful campaign, then I must involve a man that hides under the shades of God. Somebody whose appearance can deceive the people..."(64). The alarming rate of

unemployment and corruption has made many pastors become hypocritical in their dealings with members of the public.

A large number of preacher-men in our society deceive their followers, swindle them and even commit adultery with women during supposedly deliverance, prayer or counseling session. Like the above crop of pastors, politicians are also known for deceit and exploitation of the masses; hence, Chief Shenye quests for a vibrant man that can win the support of the people to him. He describes the “So-called Man of God” as “A criminal” who is “a politician that carries the Bible to hide his atrocities. Somebody that is not better than the likes of Shenye, but his atrocities are not visible to the insignificant people of the quarter” (64). Bishop Ukemu demonstrates his commitment towards the actualization of Chief Shenye’s political ambition which of course would be detrimental to the people of the Egbo Quarters. He quotes the scriptures to support his points, declaring that whoever that “Anybody that is supported by the man of God is supported by God himself” (67). He presents Chief Shenye as the God-sent and condemns any form of antagonism against him. Despite the mobile policemen that guard him, Ophu challenges him thus;

And all you leeches in our midst pray for forgiveness! All you
who are praise-singers of evil with Bible in one hand, luring
away people’s wives, swimming in glamour, murdering the poor;
all of you who milk the poor in the offertory table to boost you
never spent purse at home...all you preachers who assume the
position of a shopkeeper, regarding your worshippers as customers.
All you, all you, pry for cleansing (69).

Ophu’s outburst of anger sends a signal to Chief Shenye and Bishop Ukemu that a certain class of people is aware of their atrocities in the society and calls for their repentance before they face the wrath of their evil deeds. The playwright decries the commercialization of Christianity and the active involvement of pastors in politics. Religion should be a reformatory institution but nowadays, preacher-men have turned it to a means of livelihood, milking “worshippers” and treating them as “customers” while they and their families live in affluence. Kekeghe in essence presents politicians and religious leaders as leeches who pretend to be working for the betterment of the people. Through the character of Ophu, he condemns men of God that drive luxury cars, wearing intimidating glasses like the eyes of evil, accompanied by gunmen and cheating their followers. These are some of the issues that prick the minds of Christians but there is no man to confront them and call them to order. However, Ophu summons courage in play and cautions Bishop Ukemu against the consequence of his dubious act which is sudden and ignoble death.

8. Brutality and Killings

In Ngugi and Mugo’s *The Trial of Dedan Kimathi*, we are presented with conflict that characterized Kenya during the colonial era while *Pond of Leeches* portrays a society that struggles for economic emancipation in postcolonial Nigeria. In an attempt to dislodge the Mau Mau fighters, the British government resolved to unlawful arrest, and detention of people who they suspect are against the colonialist. According to the First Soldier, “They have been patrolling everywhere all night without arresting any of the terrorists. Only, they harass innocent villagers”(12). Ngugi and Mugo in the play describe Kenya during this era as a police state where freedom of movement is suspended and anyone caught is arrested. In Kekeghe’s *Pond of Leeches*, the decision of the Chairman to silence every opposition emasculated the community chiefs and youths especially those who are graduates. He sends

his guards after Ovwata but since he was not found they annihilated his family. The guards shared their testimonies after the massacre:

FIRST GUARD: (In victorious smile.) At least we have something to present that our hunt has not been in vain. Abi?Abi? The Chairman will be happy that Ovwata's son is dead. Abi?Abi?Abi...?

SECOND GUARD: (A little remorseful.) But we were wrong to have killed those women in Ovwata's compound. Imagine the black blood of that old woman. It was cursing us. Her wrinkles cursed us a million times...

FIRST GUARD: Abi? Abi? We are doing our job that is all. Abi?ABI? After all we never planned to kill the women. It was all a mistake. We went for Ovwata, but they chose to die! Now, let's clear this place off. Abi?Abi?(26)

Indiscriminate killings and tortures are often some of the characteristics of dictatorial government. For fear of being overthrown, the Chairman sends his killer squad after Ovwata who he has penciled as his greatest opposition. His terrorism sets confusion and panic in Egbo Quarters especially the Ikobi's family which makes Oteri and his wife to flee to his maternal village. Ovwata in reaffirming his commitment towards the emancipation of the land and avenge the murder of his household addresses Ophu:

OWWATA: The thief's errand boys carried my son away, and that foolish Crier was made to announce to every nook and cranny of Okugbe community that they have killed a criminal in Egbo quarters. (37)

The Chairman is not only considered as "a leech" sucking the people of Egbo, Ovwata also refers to him as a thief who has come to plunder their God given resources. The enlightenment Ophu received from Ovwata awakens his spirit and resolves to join in the struggle for the liberation of the Egbo Quarters especially as his family has been declared enemies of the Chairman. He declares to fight for his people: "Okotie, your blood will ignite strength and courage in idle youths. I have buried my fear. I would rather die fighting than die running...they shall all die!" (37) Ophu symbolizes the conscience of visionary youths who understand the plights of their people and the determination to improve their general wellbeing. He joins Ovwata in the fight to eradicate the leeches sucking them in the quarters. The Niger Delta agitation been chronicled in the play should have been fruitful if there are sincere and patriotic youths like Ophu. The militants who claimed to be fighting for the emancipation of the region abandoned the struggle and tailored their dreams towards acquiring wealth. More Ophus and Ovwatas are therefore needed to eliminate all the leeches from the oil-rich region.

9. Egocentricity and Myopic Vision

In *The Trial of Dedan Kimathi*, the egocentric nature of some characters is portrayed and these include the BANKER and PRIEST. The Banker sees the on-going war as a danger to their "investment, assets" so they have resolved to settle for "a blackman's government (39). He persuades Kimathi to accept defeat and surrender for peace, development and happiness of all Kenyans:

BANKER: Confess. Repent. Plead guilty. Cooperate-like the surrendered generals. Tell your people to come out of the Forest. We need stability. There never can be progress without stability. Then we can finance big Hotels

...International Hotels...Seaside resorts...Night Clubs...Casinos...
Tarmac roads...oil refineries and pipelines... Then tourists from USA,
Germany, France, Switzerland, Japan, will flock in. investment, my
friend, development, prosperity, happiness.(40)

In spite of the effort made by the Banker to convince Kimathi to surrender to the colonial forces proved abortive as he declined and maintains that he would rather remain unyielding because the Kenyans are being oppressed:

KIMATHI: The oppressed of the land...all those whose labour power has transformed this land. For it is not true that it was your money that built this country. it was our sweat. It was our hands. Where do our people come in in your partnership for progress? (40)

The Banker does not see reason why the Kenyans should be complaining of oppression because he feels that the challenges confronting the peasants in Kenya is experienced in several advanced countries. According to him: "Toilers there will always be. Even in America, England, France, Germany, Switzerland, Sweden, Japan...all the civilized world. There are servants and masters...sellers of labour and buyers of labour. Masters and servants" (40).Also in the *Pond of Leeches*, Chief Shenye laments the independence granted the Egbo Quarters instead of rejoicing with his people. When the Farmer wants to know the cause of his problem, he responds scornfully to him:

CHIEF SHENYE: You are forever blind! Your eyes have never seen beyond your nose. (Soliloquizes.) Ah! Ah! The allowances I have been enjoying are no more. Ah! Ah! What do I do now...?

FARMER: Are you talking to me. What resources?

CHIEF SHENYE: Eh! You are still here. The oil is no more. You have heard that. So get away! (87)

Chief Shenye was the representative of the Egbo Quarters and so enjoyed allowances and support from the government led by Chairman. However, the autonomy granted the oil-rich quarter following the disappearance of the crude oil marks the end of those benefits he obtained from the government at the headquarters of Okugbe community. The disappearance of the crude oil marks the return to the era of agriculture but Chief Shenye does not subscribe to this view:

FARMER: Are we not farming too? We fish and farm; these are our means of survival. I know nothing about oil. Look at me! I 'm just coming from the farm. The oil is of no use to me.

CHIEF SHENYE: Miserable farming to rule a community. What will the leaders' allowances look like? Chicken feeds? Ah! Tufie! (87)

The Farmer sees no threat with the autonomy and "the oil wells that have dried up" since the masses have been languishing in abject poverty even during the period of oil boom but to the Chief, there is a "Big trouble!" (86). Besides Chief Shenye who is self-centred and insensitive towards the welfare of Egbo people, Shehor and Adje are visionless, myopic youths who despite their university education, resolve to join the militants for their selfish

interest. In the play, luck runs against them and the Chairman's guards in violent confrontation exterminate them.

10. Conflicts and Militancy

The conflict in both plays emanates from the exploitation of natural resources-land in the case of Kenya and Oil for that of the Niger Delta of Nigeria being represented by Egbo Quarters in Okugbe community. In *The Trial of Dedan Kimathi*, the land palaver made the Kenyans revolt against the British imperialist through the Mau Mau Movement led by Dedan Kimathi. In *Pond of Leeches*, Ovwata and Ophu join forces to eradicate the leeches that make life miserable to the inhabitants of Egbo Quarters. Apart from the Chairman who is the major target of the struggle, they also confront their kinsmen who are paid to sabotage the struggle. The exploitation portrayed in the plays led to the emergence of the Mau Mau movement and the militancy in the Niger Delta and this affirms the assertion of Osaghae *et al.* (2008) that:

the right or freedom to self determination has driven numerous peoples
all over the earth, to mobilize, solidarize, and build nationalism and to
organize resistance through popular movements and institutions of
violence. Self determination struggles have been fierce and violent and
have several times manifested in inter ethnic, religious, and regional
conflicts, rebellions and civil wars (17).

Though the Niger Delta struggle gained wide support at the early stage, Kekeghe through this play reveals the Niger Delta militants who claimed to liberate the region but actually never meant well for the people rather their agitation was primarily for selfish motives. They are also leeches that kidnap people and use the ransom for their personal aggrandizement instead of liberating the disease and poverty-stricken people of the region. The movement lost its original focus and members now unleashed terror on the people who they claimed are being exploited. Militancy as Shenye perceives it enriches youths who could "submit arms to receive a huge chunk of money as ex-militants" (23). In the play, the Chairman depicts dictatorial Nigerian leaders and opportunists who enrich themselves with the proceeds from the Niger Delta oil without considering the plights of the impoverished people. They are determined to exterminate whoever stands their way just as the Chairman did to Ovwata and his entire family.

The Niger Delta struggle portrayed in the play shows that the independence granted to African nations never ended the anti-colonial struggle which African nationalists lunched in the past. There is a new form of colonialism! Our nationalists only succeeded in eliminating the colonial masters who they thought were the cause of Africa's retrogression but after the political independence the struggle for freedom has shifted to self-determination within the country. Ovwata and Ophu in the play must eradicate the leeches from Egbo Quarters for them to regain their freedom. It is ironical that the emergence of African leaders after independence seems to have aggravated the problems created by our colonizers. The so-called leaders who were supposed to repair the broken walls are now preoccupied with economic mismanagement, electoral violence, exploitation of the minorities, impunity and looting of public treasury. Based on this, one can state without mincing words that "the lingering conflict in the Niger Delta is the battle not only to resist the alienating tendencies of the Nigerian state but also, the battle to realise the rights and privileges of citizenship" (William, 2002: 388).

The conflicts created in *Pond of Leeches* and *The Trial of Dedan Kimathi* resulted in the loss of lives and valuable property. In *Pond of Leeches*, the conflict is mainly between Ovwata and the Chairman of Okugbe community over the control of crude oil found in Egbo Quarters. The Chairman's statements in the play are provocative and this makes Ovwata to seek the support of Ophu, his educated nephew to join him the struggle to eradicate the leeches from their community. Besides the conflict between the above major characters, there is conflict between Ovwata and his brother, Oteri; and Ophu and Bishop Ukemu. The conflict in *The Trial of Dedan Kimathi* is between Kimathi, a courageous and committed Kenyan leader and the British colonialist. Kimathi spearheaded the fight for the liberation of his people from the oppressive and exploitative administration of the British government in Kenya but the imperialist saw him and his Mau Mau group as terrorists. According to Veit (2011: 6), "during the Kenya struggle about 11,000 Africans, mainly Mau Mau fighters, died-some by British forces, others by militants as the movement was also an internal struggle among the Kikuyu." The struggle in Kenya, therefore, is not only between the Mau Mau group and the Imperialist forces but also among the people of Kikuyu who want the war ended. There is also conflict between the Boy and Girl, and among the Mau Mau soldiers which led to betrayal of its members.

11. Conclusion

In this paper, we examined several convergent themes that are peculiar to both plays and how the people reacted to the economic and political woes that marred characterized their societies. *The Trial of Dedan Kimathi* focused on a colonized society of black Kenyans where there is high level of poverty, injustice, exploitation and killings. In *Pond of Leeches* the scenario is also horrible like that in Kenya but instead of a group confrontation as in *The Trial of Dedan Kimathi*, the struggle was carried out by just two freedom fighters, Ovwata and his nephew, Ophu. They actualized their dream for resource control through both physical and supernatural powers. The Chairman of Okugbe community unleashed his killers on Ovwata's family and wiped them out and for fear of being killed; his brother Oteri fled Egbo Quarters to his maternal village for refuge. In *The Trail of Dedan Kimathi*, the struggle is between the Mau Mau rebels led by Kimathi and the British imperialists who constantly exploit and oppress the peasant Kenyans. The play in essence is a historical work that deconstructs the colonialist writings about the Mau Mau movement in Kenya. It focuses on the eradication of the legacy of exploitation, marginalization and suppression of the Kenyans in their homeland.

In *Pond of Leeches* and *The Trial of Dedan Kimathi*, the masses faced similar experiences that consequently led to revolution. The societies presented in the plays are marred with corruption, exploitation, hostilities, marginalization, oppression and institutionalized injustice. The attempt to revert the above scenario, liberate the people from the shackles of poverty and underdevelopment formed the basis of the two plays.

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Effect of Explicit Phonics Instructional Strategy on Primary School Pupils' Learning Outcomes in English Literacy Skills in Ikere Metropolis, Nigeria.

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Abstract: The study examined the effect of Explicit Phonics Instructional strategy on primary school pupils' learning outcomes in English literacy skills in Ikere – Metropolis. One hundred and twenty (120) pupils were sampled and participated in English language literacy achievement test. The study adopted Quasi – experimental research design. The study revealed that explicit phonics instructional strategy has an effect on pupil's literacy skills. It was therefore, recommended that effective use of Explicit phonics instructional strategy should be adopted in teaching and learning of literacy skills.

1. Introduction

The importance of acquisition of the English language skills in the economic, political, academic and social lives of Nigerians cannot be overstressed. Besides being the recognized medium of communication in the administration of government businesses in a country with over four hundred indigenous languages like Nigeria, English language is the medium for teaching and learning through which learners acquire knowledge and skills at all levels of education (FGN 2004 revised). To the average Nigerian, therefore, proficiency in English language skills especially in reading and writing in today's diverse society is the key to the world's proof of knowledge and universal culture and a gateway to success in the global economy. (Carl, 2003). However, in spite of the vital roles that the English language plays in Nigeria, most Nigerian pupils are unable to acquire proficiency in the skills of the English language especially reading and writing which is literacy skill. The importance of children's early literacy development cannot be overstated. Children's success in school and later in life is a great extent dependent upon their ability to read and write. One of the best predictors of whether a child will function competently in school and go on to contribute actively in an increasingly literate society is the level at which the child progresses in reading and writing (NAEYC, 1998).

The ability to read is one determinant of students' success or failure. Students must form the habit of reading to perform well in all subjects. Some primary school pupils find it difficult to read and understand due to their attitude to it despite the fact that reading is indispensable. Some show a carefree attitude towards reading. This problem is not peculiar to primary schools, but pertains to all categories of readers. Ajibola (2006) asked a

fundamental question on what books Nigerians read. His questions included whether political office holders in the country read. It is clear from the tone of the question that he feels that reading is not part of the culture of the people that control Nigerian destiny.

Reading is the recognition of printed or written symbols which serve as stimuli for the recall of meanings built up through the reader's past experience. (Adewole 2001). Lawal, Adebola and Adebileye (2005) described reading as a process of translating alphabetical symbols into a form of language from which the native speaker has already derived the meaning.

There are various factors militating against the effective teaching and learning of reading in primary schools. Oyetunde and Unoh (1986) list various impediments to negative reading habits and attitude. These include lack of materials, poor preparation of teachers, lack of interest, poor libraries or none at all, home background, and lack of adult readers as model. They concluded that teachers of English language must take responsibility for solving these problems. The foregoing, points to the fact that reading skill, which is an important literacy skill of Nigerian students, is poor. The situation with writing skill is not anything better.

Writing is foundational to success in academics in the work place and in the global economy. In an increasingly demanding world of, literacy, the importance of ensuring students proficiency in writing cannot be over emphasized. The ability to write well, hitherto a luxury is now a dire necessity (Gallagher, 2006). Writing is a vital to students' developing literacy skills. In the light of this, teaching learners to write well should be a top priority of a worth-while education system.

Many reasons have been advanced for learners inability to write but teacher related factors prominent among which is the theology appear to be the most reverberating (Rog, 2007), Boscolo & Gelati, 2007, Muodumogu & Odey, 2006; Uzoegwu 2005; Obi-Okoye 2004) Oyetunde and Muodumogu (1999) explain that teachers do not teach writing skill well at primary schools because they do not know how to teach it. Writing, as a result, is the most neglected of the language skills at this important level of education and this has continued to have a disastrous effect on pupils' achievement as proficiency in writing is crucial to excellence in academics and in the work place. Teachers, therefore, should take the teaching of writing seriously to enable the pupils to master the fundamentals of effective writings.

The conventional method of teaching has not given students much assistance and part of the reasons for this, according to Obi-Okoye (2004) is that writing is one of the skills that are not amenable to mere memorization of a set of rules because it calls for development and application of composite skills in the writing process until teachers start teaching pupils to see writing as a process of discovering, exploring ideas and constructing frameworks with which to present ideas, there will be little or no improvement in pupils writing.

From the various concepts, definitions and research referred to about reading and writing skills, there is no gain saying the fact that the foundation to effective reading and writing start by building the culture from the primary education. This therefore informed the choice of this researcher to examine the effectiveness of explicit phonics instructional strategy for teaching these skills of reading and writing at the primary school level. Effective teaching of literacy skills should establish the connection between language skills, especially the reading and writing. Several studies (Hirvela, 2004; Cho, 2012) have reported that reading and writing influence each other and when writing is used as a follow-up to reading; the

relations between the two skills will create a synergy. Therefore, the use of learner-centred strategy which systematically combines language skills in the teaching of literacy has been suggested such strategy is explicit phonics instructional strategy.

Phonics instruction entails that children learn the 42 main letter sounds of the English language rather than the alphabets. After which they are then taken through the stages of blending and segmenting words to develop reading and writing skills. This instructional approach is known as phonics instruction and it requires the learner to develop the ability to hear and discriminate sounds in spoken words. Phonics instruction is an approach to literacy instruction that stresses the acquisition of letter sounds correspondences and their use in readings writing and spelling. Also, phonics instruction teaches students to understand and learn the relationship between the letters (graphemes) of written language and the individual sounds (phonemes) of spoken language. (Ambruster, Lehr, 2 Osborn 2000). Scholars (Lloyd and Wemham, 1992; Mastin, 2011). Submit that explicit phonics instruction happens when student receive a direct and explicit teaching of the relationship between graphemes and phoneme. The instructional approach must be systematic in the sense that the instruction should follow clear and defined sequence and such sequence should move from simple to more complex forms.

The following are the scientific research conclusions relating to phonics instruction found by the NRP, which were summarized in the guide put reading first (Armbuster, Lehr, 2 Osbon, 2000).

- (i) Systematic and explicit phonics instruction significantly improves children's reading comprehension.
- (ii) Systematic and explicit phonics instruction significantly improves kindergerteen and first-grade children's word recognition and spelling.
- (iii) Systematic and explicit phonics instruction is effective for children from various social and economic levels.
- (iv) Systematic and explicit phonics instruction is most effective when introduced early. (National Institute of Child Healthy and Human Development, 2000, P. 19, 20, 21).

The Explicit Phonics Instructional Strategy (EPIS) is a teacher – directed instruction which involves a sequence of supports that are highly structured and practice-oriented. Carnine, (2006) explicit phonics instruction involves modeling, observation, imitations or practice and corrective feedback during the course of instruction. The instructional process moves systematically from extensive teacher input and little student's responsibility at the initial stage of the learning cycle. The purpose of phonics instruction is to children sound – spelling relationship and now to use those relationships to read words. Phonics instruction should be explicit and systematic. It is explicit in that sound-spelling relationships are directly taught. Students are told, for example, that the letters stands for the /s/ sound. It is systematic in that it follows a scope and sequence that allows children to form and read words early on. The skills taught are constantly reviewed and applied to real reading. Systematic and early instruction in phonics leads to better reading. This is because phonics knowledge aids in the development of word recognition. Word recognition, in turn, increases fluency. Reading fluency, then improves reading comprehension since children

are not struggling with decoding and are able to devote their full attention to making meaning from text. Inadequate decoding is characteristic of poor readers. Explicit instruction involves direct explanation. Concepts are clearly explained and skills are clearly modeled without vagueness or ambiguity (Carnine, 2006). The teacher's language is concise, specific, and related to the objective.

Another characteristic of explicit instruction is a visible instructional approach which includes a high level of teacher/student interaction. Explicit instruction means that the actions of the teacher are clear, un-ambiguous, direct and visible. The effects of explicit instruction on pupil's achievement in reading and literacy have been examined in some studies and found to be effective. For example, Shanahan and Beek (2006) found five studies that explored the effect of explicit phonics had on EFL students in literacy skills. However, most of these studies were conducted outside the shores of Nigeria and with EFL students as participants. The scarcity of research works that are of Nigerian based and the fact that not much has been done to examine the effects of phonics instruction on ESL learners are precise indicators of the urgent need of conducting more research to conclude whether explicit phonics instruction is an important area to develop to strengthen ESL pupils' literacy skills in primary schools in Ikerre Metropolis, Ekiti State, Nigeria.

2. Statement of the Problem

Studies have shown that literacy skills which are the foundations of success in educational and career pursuits are not being properly taught in ESL classrooms, especially at primary schools, in Nigeria. The outcomes of these are poor attitude to literacy skills and low literacy rates arising from wrong transfer of linguistic elements from the pupils' mother tongue to the target language, especially among pupils in the primary school system. Research efforts aimed at improving ESL pupils' literacy skills had examined the effects of different strategies for teaching reading and writing. As effective as the strategies were, they could not stem the tide of low literacy rates especially at primary schools. This is because most of the strategies adopted focused on direct teaching ignoring the phonics properties of the English language. Thus, there is the need to adopt strategies that will teach reading and writing through phonics instruction directly to meet every learner's need. Such strategy is explicit phonics instruction.

3. Hypotheses

Based on the stated problems, the following null hypotheses will be tested at 0.05 level of significance.

HO₁: There is no significant main effect of treatment on ESL pupil's achievement in literacy skills.

HO₂: There is no significant main effect of gender difference on ESL pupils achievement in literacy skills.

4. Research Design

The study adopted the pre-test post-test, control-group, quasi-experimental research design. The experimental group was exposed to treatment in explicit phonics instructional strategy's while the control group was exposed to the conventional strategy of teaching literacy skills.

5. Variables of the Study

- (1) Independent variables
 - Explicit phonics instructional strategy
 - Conventional strategy.

- (2) Dependent variables

The dependent variable is ESL pupils’ learning outcomes in literacy skills.

6. Population and Sampling Procedure

The population consisted of ESL pupils in the fourth year of primary education from the selected primary schools in Ikere metropolis. Pupils in the fourth year were considered for the study because this is a critical stage in primary education where English is taught as a school subject. The stratified random sampling technique was used to select four primary schools in Ikere metropolis. Two schools were randomly selected and assigned to experimental group and the control group.

The following instruments were used for data collection:

- a. Literacy skills achievement test (LSAT)
- b. Instructional guide on explicit phonics instructional strategy (IGEIS)

7. Results

There is no significant main effect of gender differences on ESL pupils.

Effect of gender

Null hypothesis	Tcal	Table	Df	Decision
Main effect of gender differences	7.39	2.35	0.05	Reject HO

The decision rule here is to reject H_0 if T calculated is greater than T table (t-cal – T table) therefore, the above table depicts the – t calculated to be 7.39 while that table is 2.35 this show that there is no gender differences in the performances of male and female pupils introduced to the treatment.

There is no significant main effect of treatment on ESL pupils.

Null hypothesis H_0	Tcal	T table	Df	Decision
There is no significant differences in the ESL achievement of pupils in explicit phonics instructional strategy and conventional instructional strategy and leaners outcome	6.78	2.35	0.05	Reject

Decision rule here is to rejected H_0 if T calculated is greater than the t table (tcal>table) therefore, the above table depicts that t calculated to be 6.78 while the t table is 2.35. This

shows that explicit phonics instructional strategy has positive effect on pupils learning outcomes in English language the Null hypothesis is injected while the alternative hypothesis is accepted. In other words the experimental group i.e. the groups that were taught with explicit phonics instructional strategy performed better than conventional instructional strategy.

8. Discussion

It was revealed from the analysis of the Data in the table 2 that pupils that were taught with the explicit phonics instructional strategy performed excellently than the pupils that were taught with the conventional instructional strategy. It indicates that explicit phonics instructional strategy had a positive relationship with the pupils learning outcome in English literacy skills in Ikere metropolis. This agreed with the submissions of Armbruster, Lehr, and Osborn (2000) that systematic and explicit phonics instruction significantly improves kindergarten and first grade children words recognition and spelling, systematic and explicit phonics instruction is effective for children from various social and economic levels. The reason was as a result of the fact that the pupils that were introduced to the explicit phonics instructional strategy were from different social and economic background.

In contrary to the above, the conventional instructional strategy had no positive relationship with the pupils learning outcome in literacy skills. This agreed with the submission of Obi Okoye (2004) that the conventional strategy did not give pupils much assistance because literacy skills are not amenable to mere memorization.

9. Conclusion

It is hereby concluded that teachers of English language especially at the elementary schools should expose pupils/students to the explicit phonics instructional strategy when teaching the literacy skills. This approach will lead to an improvement in the learning outcomes of learners in literacy skills in particular and English language in general.

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