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THE STATE OF ACADEMIC FREEDOM IN SUB-SAHARAN AFRICA

Within the Context of the

**1997 Recommendation Concerning the
Status of Higher Education Teaching Personnel**

and the

1990 Kampala Declaration on Intellectual Freedom

August 2003



INTRODUCTION

1. The report is written in the context of the Kampala Declaration on Intellectual Freedom and Social Responsibility of 1990, and the UNESCO Recommendation on the Status of Higher Education Teaching Personnel of 1997. The main concern of both of these documents was with academic staff. This report does not, therefore, address itself to the position of students. Although the focus of this report is on sub-Saharan Africa, many of the issues raised are of global significance. African universities present extreme examples of problems that confront all universities in a rapidly changing world. Before considering the background to the Kampala Declaration of 1990 and the contemporary situation in African universities, some of the challenges facing universities in the new millennium are outlined below.

THE KNOWLEDGE REVOLUTION AND THE GLOBAL CHALLENGE TO UNIVERSITIES

2. There is general agreement that higher education has never been more important. In the developed economies of the north, including the United States, there has been a retreat from heavy industry and manufacturing as the major employer and creator of wealth. These activities have been replaced by service industries many of which are linked to improvements in communications and information technology. A 'knowledge revolution' is in progress in which most developed countries intend that at least half of school-leavers should proceed to university – this has already been achieved in some cases. At the same time there is a commitment to the provision of 'life-long learning' - an acceptance that modern economies require that their populations have access to re-education and re-training throughout their lives.
3. The rapid expansion in the provision of higher education is sometimes referred to as 'massification'. This has resulted in a proliferation of universities and the upgrading of technical and vocational institutions. University degrees are now required from entrants to many professions, such as nursing, accountancy, the law, and journalism which were previously open to school-leavers. The expansion and diversification of higher education institutions has raised concerns about the quality of education offered and has led to the development of new systems of quality assurance. (Scott, 1998)
4. In developed countries the freedom to teach, and to do research, without intellectual censorship, either from within institutions or from governments, seems to be taken very much for granted, although severe pressures were applied to radical academics in the United States in the Cold War era, and there are suggestions of new pressures for academic

conformity in the aftermath of the 11 September 2001. There is also concern that academic freedom, in the senses of collegiality and internal democracy, are threatened by the rise of managerialism, and the idea of the university as a business with clients and customers, which must respond to the demands of the market. At the same time there are concerns that the autonomy of universities in relation to governments is threatened by increasing levels of regulation and bureaucratic control. These controls are often justified by the demand for quality assurance, and for value for government money. Concerns of this kind prompted the British parliament to pass an Academic Freedom amendment to the Higher Education Act of 1988. This was proposed by Lord Jenkins of Hillhead and asserted 'the freedom within the law of academics to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions.' (Newby, 1999; Russell, 1993).

5. A number of writers see the greatest threats to campus-based universities in the north coming from the rise of alternative sources of higher education and knowledge, such as distance learning, virtual universities, and the Internet, rather than from the erosion of academic freedom or university autonomy. In the African context the latter challenges are of primary importance, but in a shrinking world universities in Africa are certainly not immune from the impact of new technologies and international competition. It is also, of course, the case that the Internet presents great opportunities in Africa with the possibility of instant access to vast quantities of previously inaccessible information, and the rapid dissemination of knowledge to people in remote areas, as well as of interactive teaching. The establishment of an African Virtual University, and other developments in distance education, may indicate new ways forward for Africa (Hirsch and Weber, 1999; Duestadt, 1999).

ACADEMIC FREEDOM – THE AFRICAN CONTEXT

6. This report takes a wide interpretation of academic freedom, which has meant different things at different times and in different places. The concept had its origins in Germany in the 19th century in universities run by the state. The necessity for academic freedom stemmed then from the involvement of academics in fundamental research in both the physical and social sciences. In an African context the concept acquired a specialised meaning in the English-speaking universities of South Africa in the late 1950s and early 1960s. It was then used to refer to the right of universities to take in students, or to appoint staff, without regard to race – rights that were denied under apartheid. In the first of a series of annual lectures on Academic Freedom given at the University of Cape Town in 1961, the distinguished South African historian, and American university president, C. W. de Kiewiet, saw academic freedom as 'the right of scholarship to the pursuit of knowledge in an environment in which the emancipating powers of knowledge are the least subject to arbitrary restraints.' He also suggested that '[T]he world's greatest need is to experience the liberating effect of scholarship upon the selfishness of nations, the prejudices of race, the exclusiveness of culture and the intolerance of religious beliefs.' But 'the entry of the scholar into the problems that lie between nations or races or ideologies and cultures must not expose him to implicit or explicit charges of heresy or treason.' Academics must not be subject to fear or ostracism. (Ashby, 1966; de Kiewiet, 1961).
7. In the newly independent Africa of the 1960s, there was not, in the view of T. M Yesufu and Mahmood Mamdani, much awareness of the meaning of, or the need for, academic freedom. Most universities were set up by governments and were seen as instruments for national

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development and for the production of high-level manpower. They were also seen as status symbols, not unlike national airlines. Regional universities, such as the University of East Africa, and the University of Botswana, Lesotho and Swaziland, soon broke up as a result of conflict and competition between nation states. Yesufu pointed out in the early 1970s that there was a need for universities in countries where they had not previously existed to educate the public about the value of academic freedom. Universities had little opportunity to do this before they were hit by repressive regimes, economic depression and declining revenues (Yesufu, 1973; Mamdani, 1993).

8. The Kampala Declaration was a first attempt by academics and students in Africa to establish benchmarks for academic freedom and institutional autonomy. It was produced at a symposium of academics and student representatives that was convened by CODESRIA in November 1990. It was the product of a particular historical context. This saw the end of the Cold War, the beginning of the end of Apartheid in South Africa, and a demand on the part of the donor community, led by the World Bank, for improved governance and accountability in Africa as a condition for continued financial support. This was at a time when the majority of sub-Saharan African countries were run as military dictatorships or one-party states. Simultaneous popular demands for democratisation were the result of widespread economic and fiscal collapse. They were also a response to the imposition by the World Bank and the IMF of painful, and usually unsuccessful, structural adjustment programmes. Economic collapse had already had devastating consequences for most of the universities of the region. This had contributed to the beginning of an academic brain drain out of Africa to Europe and America, and, ironically, within Africa from countries such as Ghana and Uganda to the Bantustans of apartheid South Africa.
9. Reflecting on the background to the symposium a few years later, Mahmood Mamdani recalled that academic staff at his own university, Makerere in Uganda, had in the late 1960s been divided into expatriate and local factions. The expatriate founders of the university had invoked 'academic freedom' and 'university autonomy' in defence of their own privileges. Local staff had called upon the state to intervene in university affairs in the interests of Africanisation and development. It was not, however, long afterwards that the victorious local academics confronted state-appointed heads of department. 'We were now ready to discover the importance of rights, of university autonomy, and to question the logic of development, the logic that universities must be managed as if they are apparatuses of the state.' Makerere's academics had been 'short-sighted in not seeing beyond the immediate context, in confusing university interests with the interests of its immediate occupants, in not recognising that the language of rights does not have to be a minority language, it can also be a vehicle for defending majority rights.' Mamdani also noted that the failure of universities, as colonial transplants, to make real contact with the communities in which they worked had left them exposed to the arbitrary actions of governments (Mamdani, 1993).
10. The main preoccupation of the Kampala Declaration was with the relationship between the university and the state. The Declaration insisted on the right of tenure for individual academic staff and on the right to autonomy and democratic self-governance for higher education institutions. Many of the clauses of the declaration related to phenomena which were then endemic in African universities, and which are now less widespread, though still, sadly, frequent. These included the arbitrary closure of universities; the invasion and occupation of campuses by the paramilitary police or the army; censorship; and restrictions on freedom of association (including restrictions on the formation of academic staff unions),

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movement, speech, or publication. There was also a demand for the release of imprisoned academics, for the right of return of exiled academics, and for an end to 'the harassment, intimidation and persecution' of intellectuals (Kampala Declaration, 1990).

11. The Declaration also recognised the important link between the material condition of universities, the remuneration of university staff, and academic freedom. 'The symposium called upon all States to adequately resource academic and intellectual endeavours because without this there can be no academic freedom.' The Declaration also noted that the academic community should offer something in exchange for academic freedom, intellectual autonomy, and adequate resources. This was defined as 'social responsibility'.
12. It also proposed that a Pan-African organisation should be set up to monitor abuses of academic freedom; that there should be a strengthening of existing networks linking African academics. The Declaration also called upon African academic institutions to promote intellectual exchanges, and upon African intellectuals to develop solidarity and support networks 'to defend the collective interests of the intellectual community.'
13. The UNESCO Recommendations of 1997 were not specifically aimed at African institutions, but confirmed many of the recommendations of the Kampala Declaration. The document asserted, among other things, that 'the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom and autonomy for institutions of higher education...'. It also emphasised the right of academics to self-governance, collegiality, and security of tenure (UNESCO, 1997).
14. There are still countries in Africa and elsewhere that display scant regard for these concepts, and it is impossible for academic freedom to survive in failing states such as Somalia and Liberia. There has, however, been undoubted progress since 1990. The end of apartheid brought the South African system of higher education into the region for the first time, increasing the number of academics and students in the region by nearly a half. In the last decade the higher education system in South Africa has undergone a process of transformation in terms of the racial composition of the student body, the size and shape of the system itself, and in terms of internal governance and the relationship with the state. In much of the rest of Africa, including Nigeria – the only country with a higher education system which compares with the South African one in terms of size and resources – the re-establishment of democratic government has created a more favourable political climate for the practice of academic freedom. This is so even where the economic climate remains unfavourable. Determined attempts are currently under way in a number of countries, such as Uganda, Tanzania, and Mozambique, to rebuild with donor support decayed institutions of higher education such as Makerere University and the University of Dar-es-Salaam (Partnership for Higher Education in Africa, website).

GLOBALISATION AND AFRICAN UNIVERSITIES.

15. Globalisation involves the increased integration of the world economy. It results from improved communications, the easier movement of capital, people and ideas, and the often one-sided dismantling by developing countries of trade barriers. The end of the cold war has also resulted in the dismantling of ideological barriers. Globalisation has so far appeared to benefit the rich nations at the expense of the poor. It has increased the power of multi-national companies and the influence of the IMF and the World Bank. It has tended to

emphasise the inequality between north and south and the technological gap between the developed and the underdeveloped worlds. This has been emphasised by the devastating impact of a disease like HIV/AIDS, which has been controlled in rich countries, but has spread almost unchecked in the poorer countries of Africa and Asia. Globalisation and the knowledge revolution present stark challenges to the countries and universities of sub-Saharan Africa. It is important that African governments accept the need for academic freedom, and institutional autonomy, as vital to the creation of the intellectual climate in which the critical thinking necessary to meet these challenges can flourish. They should also realise the close links that have existed historically between academic freedom, participation in higher education, and economic growth (Stiglitz, 2002).

16. A relatively minute percentage of the relevant age group in sub-Saharan Africa, between three and four percent by current estimates, now receives any tertiary-level education. It is unlikely that many more than half of this proportion attends university. Of the region's current population of more than 600,000,000 people, it is probable, though the statistics are incomplete, that about 1,000,000 are currently attending university in the region. There are probably not many more than 60,000 academics currently employed in the region – one in 10,000 of the population. Of these it is probable that less than twenty percent are women. (UNESCO, 1999).
17. The number of universities in sub-Saharan Africa has expanded rapidly in recent decades and there may now be as many as 170 of them – about twenty of these are not new, but are South African universities not previously included in Africa-wide statistics. The great majority of these universities are small, intellectually isolated, under-staffed, and under-funded. Only a few of them retain links with higher education institutions in the developed world and the number of expatriate lecturers from outside Africa is now small, though there has been a considerable migration of academics from north to south within Africa (AAU, 2002).
18. From the mid 1980s there was a climate of opinion, promoted by World Bank economists, which saw African universities as wasteful and expensive luxuries, and as diverting scarce revenues from the more important primary and secondary education sectors. As a consequence of this view the university sector bore the full brunt of structural adjustment programmes. The introduction, under pressure from the World Bank, of cost-sharing measures, a euphemism for user fees, together with the elimination of subsidies on student accommodation and meals, has placed a great financial burden on students and families, without achieving, in the majority of cases, greater financial viability for institutions. Diversification of the university sector – a euphemism for privatisation – has resulted in the emergence of a number of private universities, especially in Nigeria, Kenya, Tanzania, and Zimbabwe. The majority of these are small, offer a limited range of courses, and are sponsored by religious bodies, whether Christian or Islamic. A variant on the theme of diversification is the introduction of a policy of admission through fees for some places at public universities such as Makerere in Uganda. In general the universities in sub-Saharan Africa are not well placed to meet the challenges of globalisation and the knowledge revolution that were outlined above. The most hopeful development since 1990 has been the democratic transformation of the universities of South Africa. These probably account for about one third of student and staff numbers, and probably more than a third of the effective research base for the region as a whole. (Mamdani, 1993; Saint, 1992; Hinchliffe, 1985; Partnership for Higher Education in Africa, website, 2003).

SOUTH AFRICA

19. The formal end of apartheid and the holding of democratic elections in 1994 finally removed the barriers between South Africa and the rest of the continent. This added about 27,000 academic staff and about 380,000 university students to the regional total. The number of students in the tertiary education sector as a whole in South Africa was estimated in 1995 at more than 800,000 or about fifteen percent of the age group. The latter figure included students in technikons, technical, agricultural and teacher training colleges. These impressive figures were heavily skewed towards the white minority with about sixty-five percent of the relevant age group among the white population going on to tertiary education. A much smaller percentage, about eleven percent, of the African population had the same opportunity, though less than half of the proportion went on to university. Indeed, the proportion of the African population reaching university, though greater than the continental average, was not much greater than that in other countries in the Southern African region (South Africa, NCHE Report, 1996).

20. The main challenge facing the South African government in 1994 was the creation of a single integrated university system from one that was fragmented and disintegrated. Within the HWUs (historically white universities) there was a division between the English-speaking universities such as the University of Cape Town, and of the Witwatersrand, which had resisted the racial closure of the universities in the late 1950s and which had managed to retain significant minorities of black students under apartheid, and the Afrikaans-speaking universities, such as Stellenbosch and Pretoria, which had never been open to black students and had gone along with apartheid. There were also differences of administrative style between these universities. It was generally thought that the English-speaking universities retained a more collegial style of management while the Afrikaans-speaking universities gave more power to the executive. The HBUs (historically black universities) were all the product of apartheid and were themselves divided between rurally-based universities in independent or quasi-independent Bantustans for African students and urban-based universities for the Coloured and Asian minorities. One of the latter institutions, the University of the Western Cape, had gone through something of a democratic revolution and had become a centre of opposition before the end of apartheid. The majority of the HBUs were, however, remote and intellectually isolated. They had experienced a rapid expansion in student numbers in the late 1980s and early 1990s. Their per capita costs were relatively high, but their resources in terms of libraries, laboratories, and the qualifications of academic staff, were relatively poor. They had relatively few postgraduate students and their research base was weak. With the exception of the medical school at the University of Transkei, they did not offer courses in the expensive disciplines. One university that did not fit easily into these categories was the University of South Africa – the largest distance university on the continent and one of the largest in the world, with 132,000 students in 2001. Although its administration and senior academic staff was largely composed of white Afrikaans-speaking people, it had a large number of black students – many of whom came from outside South Africa (South Africa, NCHE Report; AAU, 2002).

21. The new government confronted the challenge that it faced in the higher education sector with admirable speed and vigour. It rapidly appointed a National Commission for Higher Education. This had a large research staff and carried out a detailed survey of the whole sector. Its report, known after its chairman as the Reddy Report, was published in 1996.

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Although pre-occupied to some extent by specifically South African issues of racial equity and integration, this report provides the most comprehensive survey yet produced of the problems facing higher education in Africa, including the challenges posed by globalisation and the knowledge revolution. Many of the report's recommendations were incorporated in the Ministry of Education's subsequent Green and White Papers and in the Higher Education Act of 1997 (South Africa, NCHE Report, and Green Paper, 1996).

22. The government did not fully accept the report's most controversial assertion – that South Africa must be prepared for 'massification' – a doubling to thirty percent within ten years of the proportion of the relevant age group entering the higher education sector. This prediction has, in fact, turned out to be the weakest element of the report. There was in reality a decline in the late 1990s in the number of school-leavers attaining university entrance qualifications. At the same time a significant number of white students 'disappeared' from the university system as a result of emigration from the country, or of migration from the public to the private education sector. There has consequently been no significant expansion in the proportion of the age group getting to university, though there has been a dramatic increase in the number of black students at the HWUs. The opening of these universities to people of all races, and the development of new distance education programmes, has put pressure on the less competitive rural HBUs, which have experienced dramatic drops in enrolment. This has been the consequence of black students preferring to enrol at better-resourced institutions, and also of a drift away from the education and humanities courses that were the usual first choice of these students (South Africa, Green Paper, 1996; du Toit, 2001).

23. The main provisions of the Higher Education Act of 1997 related to issues of external and internal governance. According to its preamble the intentions of the act were to

ESTABLISH a single co-ordinated higher education system which promotes co-operative governance and provides for programme-based higher education; RESTRUCTURE AND TRANSFORM programmes and institutions to respond better to the human resource, economic and development needs of the Republic; REDRESS past discrimination and ensure representivity and equal access; PROVIDE optimal opportunities for learning and the creation of knowledge; PROMOTE the values which underlie an open and democratic society based on human dignity, equality and freedom; RESPECT freedom of religion, belief and opinion; RESPECT and encourage democracy, academic freedom, freedom of speech and expression, creativity, scholarship and research; PURSUE excellence, promote the full realisation of the potential of every student and employee, tolerance of ideas and appreciation of diversity; RESPOND to the needs of the Republic and of the communities served by the institutions; CONTRIBUTE to the advancement of all forms of knowledge and scholarship, in keeping with international standards of academic quality; AND WHEREAS IT IS DESIRABLE for higher education institutions to enjoy freedom and autonomy in their relationship with the State within the context of public accountability and the national need for advanced skills and scientific knowledge; it is hereby enacted that [...] (South Africa, 1997).

24. Amongst other things the act provided for the establishment of a Council on Higher Education with the responsibility for the supervision on behalf of government of the Higher Education sector. The Minister of Education was given the power, on the advice of the council, to merge or close institutions of Higher Education. He/she was also given the power to intervene in the affairs of institutions through the appointment of independent assessors, and, in extreme cases, to appoint an administrator who would combine the functions of university council and chief executive. The Minister, acting on the advice of the Council on Higher Education, was also given the power to determine the funding of programmes at individual universities. The act also provided for the registration of private institutions of Higher Education. In so far as the relationship between the universities and the state was

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concerned, the act sought to strike a balance between autonomy and accountability. Almost inevitably, it was the view of university vice-chancellors that this balance tilted too far in the direction of the state (South Africa, 1997; SAUVC, Press Release, Internet, 6 March 2001).

25. The act also made detailed provision for the internal governance of universities, specifying the role and functions of university councils, principals, senates, faculties etc. It prescribed that all university councils should have at least sixty percent of their members elected from outside the university community. It also provided for the establishment of an institutional forum, representative of all interest groups, with the right to advise the council on a wide range of issues, including racial and gender equity.
26. The Higher Education Act made no specific provisions on academic tenure. A measure of security of tenure and protection against arbitrary dismissal is provided through other legislation – in particular the Labour Relations Act, which covers all employees. This act has provided some protection to academic staff recently threatened by retrenchment at HBUs as a result of declining numbers of education and humanities students. Further protection may have been provided by the transformation of the progressive academic staff union UDUSA (Union of Democratic Staff Associations) into NTESU (National Technical and Educational Staff Union) with a broader membership base. This is together with ASUU in Nigeria one of only two really strong academic staff unions in Africa. In spite of legal protection, and a constitution which protects basic human and civil rights, there have been examples of the apparently arbitrary dismissal of academic staff within the last two or three years. These include the cases of Professor Robert Shell, a historian and HIV/AIDS researcher at Rhodes University and of Professor Caroline White, a social anthropologist at the University of Natal. In 2002-3 questions have been asked about the dismissal of Brenda Reid Daley, the expatriate Vice-Chancellor of the University of Witwatersrand (Steven Friedman, *Business Day*, 3 December 2002).
27. Issues of racial and gender equity are also covered by other legislation - specifically the Equity and Employment Act, which provides for the setting of equity targets. In the case of racial equity employment patterns are supposed to reflect the local distribution of racial groups. Other issues such as quality assurance are also covered by different legislation – that governing the establishment of a national quality assurance framework for education as a whole.
28. Within the last two years the South African government, acting on the advice of the Council on Education, has made wide proposals for the changing the size and shape – the ‘landscape’ – of higher education in the country. These proposals include the merging of a number of universities and technikons. SAUVCA (the South African University Vice-Chancellors Association) has continued to express reservations about the threat posed to university autonomy by such interventions, though there seems to be little doubt that there is a need for the rationalisation of higher education provision in the post-apartheid era. There has also been concern that the Higher Education Act provides gives undue power to government over the choice of programmes taught at particular universities. The Ministry of Education has the power to deny funding to programmes, though it does not yet appear to have used it (South Africa, 2002; du Toit, 2001).
29. In a recent intervention, Andre du Toit, a political scientist at the University of Cape Town, has pointed to the continuing tension in South Africa, as elsewhere, between disciplinary

integrity and institutional autonomy on the one hand, and social and political accountability on the other hand. He also points to the apparent threat posed to academic collegiality by the rise of managerialism and the tendency towards the appointment of executive deans. At the same time he distinguishes between different views of academic freedom - as 'the negative individual right to non-interference', on the one hand, or the more positive responsibility to speak out on issues of public concern, on the other hand. He sees little or no contradiction between the latter interpretation and social and political accountability. He also quotes Mahmood Mamdani as calling recently, in a South African context, for an 'Africa-focussed intelligentsia' (du Toit, 2001).

30. There can be no doubt that South Africa has in the last decade produced a vast quantity of literature and published research on issues relating to higher education. There can equally be no doubt that the best universities in South Africa are centres of excellence in teaching and research, which may be a model for the rest of the region. Perhaps the most remarkable achievement of the South African university system has been the transformation, with the minimum of overt government pressure or intervention, of the racial composition of the student populations of the majority of the English-speaking universities. The transformation of the racial composition of the academic staff of these institutions has proceeded more slowly, and is still heavily dependent on the attraction of academic staff from the universities of other countries in the region. The restructuring of the HWUs has not been achieved without pain. The University of the Witwatersrand has emerged from the process of restructuring as the most dynamic, and most racially integrated, university in the country, but has lost two vice-chancellors in the process. There have also been failures – the most conspicuous of which has been the failure of government to plan for the long-term transformation and upgrading of the former Bantustan universities – the rural HBUs. As late as 2000 these institutions had no programmes for staff development and made little or not distinction between capital and recurrent expenditure. They have shown themselves to be unable to cope unaided with competition for students from the English-speaking HWUs and the distance education arms of the Afrikaans-speaking universities. Without exception they were brought to the verge of bankruptcy in the late 1990s as a result of their own administrative incompetence, and of government policy which placed them on the same funding basis as the better-established HWUs. Enforced restructuring has resulted in the loss of many academic jobs (Macmillan, 2000).
31. Although there is a wide variation in the quality of South African universities, in the academic qualifications of their academic staff, and in the quality of their teaching and research output, there can be little doubt that South Africa possesses the most effective system of higher education in the region. Its effectiveness is underpinned by the strength of the South African economy. The history of universities in most other countries in Africa since 1990, both in relation to academic freedom, and their effectiveness in teaching and research, confirms the assertion of the Kampala Declaration that without adequate resources there can be no real academic freedom.

NIGERIA

32. The only system of higher education in Africa that compares in scale with the South African one is that of Nigeria. Unfortunately, it appears to be virtually impossible outside of Nigeria itself to collect accurate information or statistics on the university system in the

country. With the recent registration of new private universities, the number of universities in Nigeria is thought to be close to fifty, though contemporary sources give figures ranging from 32 to 42. There are also about twenty research institutions, which fall mainly under the Ministries of Science and Technology, or Agriculture. The most commonly quoted figures for the number of students in the Nigerian university system range from 250,000 to 300,000, but the actual number is probably higher. The matching figure for academic staff is 12,000, but this may also be an underestimate (UNESCO, 1999; Dabalen, Oni et al., 2001). In much the same way as there is a variety of universities with different historical origins in South Africa, so there are a number of different categories of university in Nigeria, including three generations of federal universities, state universities, and private universities. Writing in 1996 - midway through the Abacha military dictatorship of 1993-8- Dr Raufu Mustapha summarised the previous twenty years of the history of the relationship between the Nigerian state and the universities as follows:

Since the 1970s the Nigerian universities have been increasingly subjected to the twin pressures of military authoritarianism and economic adversity. As a consequence, university autonomy and academic freedom have been seriously eroded. Punitive legislation, administrative interference, and the subversion of the university statutes and other agreements have been the principal mechanisms for this erosion. Internal university structures and their accompanying ethos have been undermined, giving rise to internal despotism. (Mustapha, 1996).

33. He goes on to describe how a series of military decrees gave increasing power to the government, allowing it to intervene in university affairs at every level. An important aspect of this power to intervene was the establishment of the head of state as Visitor of all Federal Universities, and of State Governors as Visitors of state universities. The Visitors have had considerable powers to interpret statutes, and to intervene in disputes relating to the statutes. They have also had varying powers over the appointment of Vice-Chancellors, Pro-Chancellors and the chairmen of councils. The government also acquired power to intervene in university affairs through the National Universities Commission, which was set up by military decree in 1974. Mustapha describes the long history of opposition to governmental intervention and military rule that has been sustained by ASUU (Academic Staff Union of Universities), the origins of which date back to the 1960s. The ASUU has not only played a very important part in defending the ideas of academic freedom and university autonomy in a very hostile environment – it was banned between 1988 and 1990 – it has also played an important role as a force for democracy within civil society – often with the support of the courts and the press. (Mustapha, 1996; Beckman and Jega, 1995; Jega, 1994; Nyala, 1994)
34. The death of President Abacha in 1998, and the democratic elections that brought President Obasanjo to power in the following year, do not appear to have brought an end to conflict between the government and academic staff in Nigeria. A three-month strike by ASUU members in 2001 paralysed the university system. There was a further strike in 2002 in protest against the dismissal of 49 academics from the University of Illorin in the wake of the previous strike. During 2003 a six-month strike ended in July after the intervention of the courts. Although salaries are clearly an issue, ASUU spokesmen make it clear that they have a wider agenda. This includes the level of government funding for education in general, and the university system in particular, as well as issues of university governance, including the role of the Visitor, and the method of appointment of university administrators (Vanguard on line, 26 June 2003).

35. It is clear, meanwhile, that the state of the university system in Nigeria is, as a result of a long period of military rule, economic decline, and attempted structural adjustment, as well as under-funding and periodic closures, very unsatisfactory. According to a report by Messrs. Dabaleni, Oni and Adehola on labour market prospects for university graduates in Nigeria, which was produced in 2001, about twenty-two percent of graduates from federal universities face unemployment. Employers complained of poor training, and a deterioration over the previous decade in oral, written and technical skills. There is a suggestion that 'poor quality staff produce poor quality graduates'. The brain-drain from Nigeria, prompted by poor conditions of employment, has resulted in a shortage of staff at the levels of senior lecturer and professor, and of those with superior postgraduate qualifications. As with other countries in Africa, the best and most ambitious academics are the most likely to be attracted by the brain-drain to the United States, Europe and Southern Africa. It tends to be the more junior, less well-qualified, and less ambitious academics, who stay behind. The exceptions tend to be lecturers in marketable disciplines, such as Economics, who are well placed to supplement their incomes through consultancies (Dabaleni, Oni, et al., 2001).

ZAMBIA

36. While South Africa and Nigeria have the two largest university systems in sub-Saharan Africa, Zambia is fairly typical of a number of smaller countries in Africa, which have only one or two small universities. This is a category which would include countries such as Botswana, Lesotho, Swaziland, Mozambique, Tanzania, and Uganda. Zambia has two – the University of Zambia and the Copperbelt University. It also has a small academic research base. The experience of the University of Zambia is typical of an institution that was set up in the aftermath of independence, and was well funded until the recession that began in the early 1970s. There has been a steady erosion of the terms and conditions of service of staff since the mid 1970s. President Kaunda, who was Chancellor of the University, intervened in university affairs from that time onwards. There were repeated clashes between students, staff and the government through the 1970s and 1980s, usually over political rather than economic issues, resulting in frequent closures and occupations of the campus by paramilitary police. Decisions to close the campus were almost invariably made at State House, and not by the university council.

37. There was an expectation that the abandonment of the one-party state and the return to multi-party democracy in 1990-1 would result in an improvement in the relationship between the university and the state. President Chiluba indicated soon after his election that he did not intend to succeed Kaunda as Chancellor of the two universities. He also indicated that the appointment of the Vice-Chancellors would be returned to the university councils. These moves did not result in any significant improvement in the relationship between the universities and the state, or between academic staff and the administration. The implementation of structural adjustment programmes resulted in further belt-tightening for academic staff, as well as the introduction of fees for students. Academic staff strikes over conditions of employment now became more frequent than student strikes over political issues. The reaction of the university administration to a staff strike in 1994 was to dismiss all members of the academic staff union – not an uncommon occurrence in Africa at the time. Staff members were invited to reapply for their posts, but the applications of members of the executive of the staff union were rejected. They were eventually reinstated after an appeal to the courts, but the relationship remained sour. The pattern of frequent staff strikes

and university closures has continued until the present time (Lumbwe, 1996; personal knowledge).

38. The experience of academic staff at the University of Zambia reflected the experience of staff at many similar institutions throughout the region. The erosion of salaries, and consequent loss of status and morale, was accompanied by the physical decline of the buildings, the failure of a once-good library to buy new books, or to maintain subscriptions to vital journals. Sabbatical leave and travel to conferences became a rarity, and academics became increasingly isolated from developments in the region and the wider world. The small size of the academic community – a universal feature of the smaller countries in Africa – meant that it had little bargaining power in its dealings with government, even though a number of academics had joined the government after the first multi-party elections. The quality of the university's graduates remained good for a long time, and there were some departments whose staff maintained a respectable level of research productivity in the face of these difficulties. The university's computer services department also played a key role in the establishment of the country's first Internet service provider, but the university's once distinguished Institute of African Studies came close to abandoning fundamental research as its staff devoted themselves to commissioned research for externally-funded donor agencies and NGOs. It changed its name to INESOR – the Institute for National Economic and Social Research.
39. The university had in place from the early 1970s an expensive staff development programme, which survived with difficulty into the 1990s. This produced a large number of staff with Ph.D.s from universities in the United States, Canada and western Europe. Many of these staff with internationally recognised qualifications joined the brain drain to universities in South Africa. A figure of 300 is often quoted for the number of Zambians with Ph.D.s working in such institutions.
40. Speaking at a graduation address on 20 June 2003, the Chancellor of the University of Zambia, and former Vice-Chancellor, Dr Jacob Mwanza referred to the fact that the university was emerging from a three-month period of enforced closure. He referred to the damage that had been done by eleven such closures in the thirty-seven year history of the university. He also called for the revitalisation of the university and referred frankly to the damage that had been done by a decade-long period of neglect in resource allocation.
41. 'Budget cuts to the university in public expenditure and the withdrawal of support by the donor community has over the years almost paralyzed the operations of the university. The consequences of the policy of reduced funding to the university abound - principal among them being: dilapidation of infra-structure, brain-drain, inadequate support for teaching and research, poor conditions of service for staff, institutional instability, and reduced public confidence in the university.' (Mwanza, 2003).
42. There was a need for revitalization to enable the university to meet 'the challenge of the knowledge economy. It is now universally accepted that the most critical driving force of modern economies in an increasingly competitive global economy is sophistication in the knowledge base of a society. It is societies that are making earnest concerted efforts in investing in higher education, and its offshoots of creativity, innovation and imagination in scientific and technological inventions who will remain competitive economically.' In an

echo of the Kampala Declaration, the Vice-Chancellor, Professor Robert Serpell's address on this occasion was entitled 'The University and Social Responsibility' (Serpell, 2003).

43. In the case of the University of Zambia, and of many similar universities in the region, academic freedom in the sense of freedom to speak out on issues of public concern, is not a major issue. The university has also been free to appoint its own Vice-Chancellor, and the institutions of internal self-government and collegiality remain in place. The big issues affecting academic freedom, the ability of the university to retain and to motivate academic staff, and its academic staff to perform its functions of teaching and research, are financial. They relate to salaries, funds for infrastructure, libraries, laboratories, and research.

THE BRAIN DRAIN

44. The reasons for the brain drain from Africa, and within Africa, are many and complex. In many cases, as currently from Zimbabwe, the emigration of professional people is caused by economic collapse, hyperinflation, and the threat of political breakdown. In other cases such as Rwanda and the Congo, this may be caused by genocide and civil war. In such cases the denial of academic freedom, whether in its narrow or broader sense, is a relatively minor factor. There are many other countries, such as Zambia, as outlined above, that have escaped most of these extremes, but have continued to suffer from the emigration of professional people, including academics. In many such cases, the denial of academic freedom in its widest sense, including the lack of basic resources, is a major factor influence migration. Apart from deteriorating standards of living, people are influenced by the lack of opportunities for academic advancement, of staff development programmes, of funds for research, library, laboratory and computer facilities, opportunities for sabbaticals, and regional or international travel. It is probably true that many academics would be happy to continue working in their own countries, or to return to them, for less than their international level of remuneration, if working conditions in universities were improved. In this context, projects for regeneration, such as those being backed by the Partnership for Higher Education in Africa at universities such as Makerere and Dar-es-Salaam, may encourage the retention, or return, of academics. This is a model that will, hopefully, be replicated at other institutions. There are also schemes in place in countries, such as South Africa, to encourage the return of academics through financial inducements, including the funding of air fares and resettlement. At the same time, the freedom of movement of academic staff is clearly a fundamental right enshrined in both the Kampala Declaration and the UNESCO Recommendations. Attempts to impose legal restrictions on the movements of academics, or to limit the recruitment of academics from their home countries, are bound to fail. In the long run only substantial improvements in the economic performance of African countries, in standards of living and remuneration, as well as in working conditions in universities, can reverse the brain drain (Ajayi, Goma, and Johnson, 1996).

GENDER EQUITY

45. Although accurate statistics are hard to find, it is probably that only about thirty percent of students at universities in sub-Saharan Africa are women, and that the proportion of women in the academic staff of universities is about half that proportion. It is probably only in South Africa that universities are legally obliged to take account of issues of gender equity when recruiting staff. Female academics have written extensively on the patterns of discrimination and harassment that affect women who have been recruited into universities where the

prevailing ethos reflects the societies in which they function. They have also written of the self-censorship that they are often compelled to practise in these places. The employment of women in universities is a problematical issue in Islamic countries and may also be an issue in the increasing number of private universities, many of which have a religious bias, whether Christian or Islamic. The effectiveness of legislation for gender equity, as in the South African case, is as yet unproven. The examples of countries such as Botswana, Lesotho and Swaziland, which, though apparently patriarchal, have always had relatively large numbers of female students and staff, may repay further investigation. It was, surprisingly, Swaziland in the mid 1980s, which provided sub-Saharan Africa with its first female vice-chancellor (UNESCO, 1999; Sall, 2000; Phiri, 2000).

HIV/AIDS

46. No study of any aspect of life in sub-Saharan Africa today would be complete without a reference to the overwhelming impact of HIV/AIDS. There is not space to deal with this topic adequately in this report. There are two aspects of its impact, which would repay further investigation. One of these, first identified by Ali Mazrui, in the context of Kenya a decade ago relates to the political pressures exerted on researchers in this field. This has more recently become an issue in South Africa where at least one academic is alleged to have lost his job as a result of his research in this field, and where there have been allegations of government pressure being applied to medical research institutions. There may also have been cases of political pressures restricting the dissemination of information about the risks of HIV/AIDS to both staff and students. Another aspect of HIV/AIDS, which affects academic freedom in its wider definition, is the impact on universities of high losses of academic staff as a result of premature deaths. The supply of still expensive anti-retroviral drugs to academic staff is clearly an issue affecting academic freedom. There can be little doubt that in many countries the combined impact of the brain drain and HIV/AIDS threatens the continued viability, and, indeed, the existence of many institutions of higher education (Mazrui, 1994; Friedman, *Business Day*, 3 December 2002).

INTELLECTUAL PROPERTY RIGHTS

47. Another issue that clearly has implications for academic freedom, but which requires further investigation, is that of intellectual property rights. This also has two sides to it. There is the question of free access by universities in Africa to intellectual property, such as on-line periodicals from the developed world. There is also the question of the ability of universities in Africa to generate income through research. It is increasingly the case that academics and students at African universities lack the resources to do research on their own countries, while academics and students from richer countries do have the resources. There is clearly a need for a better balance in these relationships.

THE KAMPALA DECLARATION: MONITORING OF ACADEMIC FREEDOM AND INTELLECTUAL COOPERATION IN THE REGION

48. Among the specific recommendations of the Kampala Declaration was the establishment of a Pan-African body for the monitoring of academic freedom in the region, and for the establishment of networks for intellectual cooperation and empowerment. Although the Association of African Universities may carry out some of the functions of such a Pan-African body, there appears to be no body specifically focused on the issue of academic

freedom. Similarly, although there are agreements for technical cooperation as, for example, in the SADC region, there seems to be a continuing lack of regional academic cooperation. There is a clear need for the strengthening of such cooperation.

Recommendations to

(A) UNESCO

1. UNESCO should take steps to enable academics from countries in the rest of Africa to benefit from the extensive amount of work that has been done on the problems of Higher Education in South Africa.
2. UNESCO should undertake research on the current state of academic freedom and of the university system as a whole in Nigeria. There is a dearth of reliable information on this subject, which is clearly of great importance to Africa as a whole.
3. UNESCO should undertake research on the impact of HIV/AIDS on Higher Education in Africa from the point of view of academic freedom and of the viability of the sector.
4. UNESCO should undertake research on the issue of intellectual property rights and its implication for academic freedom.
5. UNESCO should undertake research on the present state of regional and Pan-African cooperation between academic staff, and should also take steps to promote the same.
6. UNESCO should undertake research on gender and academic freedom issues - in particular the encouragement of young women to qualify for academic positions. Particular attention should be given by UNESCO's partners in Higher Education and in meetings that UNESCO convenes associated with the World Conference.

(B) Governments

1. Governments should assess whether they are recognising the importance of academic freedom and institutional autonomy as essential factors in the promotion of critical thinking and research and in the retention of academic staff.
2. Governments should consider ways to encourage independent research in the universities so that ways of promoting economic growth can be sustained.
3. Governments should recognise the rights of academic staff unions and encourage regional cooperation between academic staff unions.
4. Governments should take steps to improve the remuneration of academic staff, and the conditions of employment and research at universities in their countries. These are essential first steps towards combating, and reversing, the brain drain.

(C) Heads of Higher Education Institutions.

1. Heads of Higher Education Institutions should recognise the importance of staff development programmes, career structures, secure pensions and other benefits to the retention of staff.
2. Heads of Higher Education Institutions should seek to work with, rather than against, academic staff unions for the improvement of the conditions of work, and the quality of teaching and research, in their institutions.
3. Heads of Higher Education Institutions should avoid managerialism and decision-making without wide consultation.

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4. Heads of Higher Education Institutions should, in cooperation with governments, develop university statutes that embody the right of university staff to academic freedom in the conduct of research.

(D) Organisations of Higher Education teaching personnel.

1. Organisations of Higher Education teaching personnel should take steps to make contact with similar organisations in neighbouring countries and to build regional groupings so as to combat the isolation that weakens them in many countries.
2. They should seek also to make contact with and to learn from the experience and resources of the largest academic unions in sub-Saharan Africa, ASUU in Nigeria, and NTESU in South Africa.

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