University Autonomy and Academic Freedom in Nigeria: Concept and Issues

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Abstract

Academic Staff Union of Universities in Nigeria on several occasions, protested strongly against certain government policies and measures that tend to erode the University autonomy and Academic Freedom. Hence various ASUU communiqués and press releases decried the increasing role of the National Universities Commission (NUC), the Federal Ministry of Education, and the office of the President as well as the Joint Admissions and Matriculations Board (JAMB) in the internal affairs of Universities. In addition, academics also protested against the harsh treatment meted out to some of their colleagues in various Universities by the Federal Government. This precipitated into prolonged industrial conflict between ASUU and the Federal Government and consequently impacted on the performance of the academics. The paper seeks to discuss this contentious issue within the framework of laws and policies governing institutional autonomy in Nigeria. The paper reviewed documented sources on ASUU/Government conflict, ASUU press release and communiqués, Federal government white paper and Bulletin. It also discovered that the principle of institutional autonomy more especially as it relates to Nigerian universities is grossly inadequate and vague within the Nigerian legal system. Hence it also recommends that the universities miscellaneous act of 2003 be strengthened to improve academic freedom in Nigerian universities.

Keywords: University Autonomy, Academic Freedom, Concept and Issues.

Introduction

The principle of institutional autonomy can be defined as the necessary degree of independence from external interference that the University requires in respect of its internal organization and governance, the internal distribution of financial resources and the generation of income from non-public sources, the recruitment of its staff, the setting of the conditions of study and, finally, the freedom to conduct teaching and research (IAU: 1998).

There have been intensive debates between ASUU and the Federal Government (particularly various military governments) on the question of autonomy and academic freedom since 1978. In general ASUU argues that the Government’s undue interference in matters concerning the day to day administration of the institutions inhibits progress and distorts effective decision making (Onyeonoru, 2008:2).

Such interventions include attempts to control the appointment and removal of academic staff (including Vice Chancellors), the imposition of sole administrators during the military era, the admission of students, the prescription of teaching curriculum and research content, the restriction of certain publications and the allocation of recurrent income (Ekundayo and Adedokun, 2009:62). ASUU therefore contends that political ideologies and interests should not be allowed to interfere with the smooth running of the University system.

The paper addresses the position of the law relating to the issue of University autonomy in Nigeria. The statutes establishing Nigerian universities confer on them three fundamental forms of institutional autonomy as implied from the IAU policy statement above. These are namely: (1) academic autonomy/freedom, (2) administrative autonomy and (3) financial autonomy. These three aspects of autonomy are the basis upon which disputes occur between ASUU and Federal Government and it is within these frameworks that the paper is set to examine the conceptual issues surrounding institutional autonomy in Nigerian federal universities.
Review of Literature

Academic Freedom: Conceptual Issues:
Academic freedom is the institutional autonomy of Universities pertaining to academic matters. Institutional autonomy and academic freedom are complementary. While institutional autonomy relates to the self-governance of universities as a whole, academic freedom is ‘concerned with individual freedom of academic staff to impart knowledge unhindered and the freedom for students to choose what they will study’ (Ajayi and Bolupe Awe, 2008:104). Academic autonomy relates to freedom for universities to take decisions in all academic matters, such as the control of teaching, the admission of students and all issues regarding curriculum content and pedagogy. Smith (1995:680) gives a clear definition when he described academic freedom as a fourfold right of a university: ‘to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study’. In line with this definition, Sylvester (2012:116) concludes that;

When we talk about academic freedom, we are saying that the government should allow us to admit students freely, they should not tell us what to teach or restrict us from being innovative in coming up with a sound curriculum for our students. What the government tries to do is to limit the search for knowledge to only those aspects that are in support of their perspective or that are in line with their interests. This does not work for the development of the system. There should be freedom to teach research and publish the results of the research whether or not it is appealing to any one.

ASUU’s main concern here is that the University should enjoy traditional academic rights such as the right to select students, teach freely and determine the content of its syllabus. According to Akpomi (2008:56), in order for the universities to perform their tasks effectively, they must have the freedom to teach and to ‘advance the frontiers of knowledge’ through research and publications. Usually, the rights to academic freedom or any other form of freedom are contained in a nation’s constitution.

The constitution provides for the position of the law on such matters. It can be stated that, although academic freedom is defined in the statutes establishing Nigerian universities, there is no specific constitutional provision on academic freedom in Nigeria (Sylvester, 2012). This is unlike South Africa and Ghana where the constitution expressly grants the right to academic freedom. In the Nigerian case, the concept of academic freedom can only be inferred from the provision of section 39(1) of the Constitution of the Federal Republic of Nigeria, (1999) which provides for the freedom of expression and the press. This section specifically states: ‘everyone shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference’. So, while in the case of South Africa and Ghana, the constitution is clear on academic freedom, for Nigeria, the concept of academic freedom is not expressly stated, though it can be implied. So in the Nigerian case, academic freedom is rather enshrined under the broader term of intellectual freedom.

Bringing this to the context of the ASUU disputes, it appears that the freedom of expression and opinions which the constitution talks about has been denied Nigerian academics, at least from the union’s perspective. The union accuses the government of undue interference in academic decision making and infringement on the rights of lecturers in clear violation of the provisions of the constitution.

An indicative event in the struggle over academic autonomy in Nigeria took place in 1985 when the Buhari-Idiagbon military regime transferred the power to determine, regulate and monitor academic programs from the Senates of individual universities to the National Universities Commission (NUC). According to ASUU (1986) this action implied that the government was taking the control of the accreditation of programs away from ‘professionals’ and transferring it to the NUC, which was looked at as an institution that supported the government’s interests. The NUC then established minimum standards that would govern all universities alike. Under the subsequent Babangida administration, ASUU was accused of disseminating critical and ‘baseless’ information about the government to students and the public in a manner that was capable of toppling the regime (Obasi 1991).
Consequently, the government established a panel of enquiry, known as the Abisoye Panel which led, among other things, to the termination of the appointment of some lecturers in Ahmadu Bello University (ABU), Zaria who were accused of ‘teaching what they were not supposed to teach’ (ASUU, 2005). In 1990, a Professor of History in the University of Ibadan, Obaro Ikhime, was arrested and unduly detained in connection with statements he made from a church pulpit, which the government considered seditious (Sylvestor 2012). On his release from detention, his appointment with the University of Ibadan was terminated, yet no formal charges were brought against him.

In the light of the above, academic freedom has turned out to entail more than simply the control of the universities; it involves the control of freedom of speech as enshrined in the constitution. With this background in mind, the paper now take a closer look at related struggles over the specific issues of the admission of students and the establishment and accreditation of academic programs.

Admission of Students

Before 1978, the Senates of the respective tertiary institutions were vested with the power to ascertain those who were admitted to higher education. However, with the establishment of the Joint Admissions and Matriculations Board (JAMB) in 1978 by the FGN (Olusegun Obasanjo’s military administration) admission into higher institutions became centralized. The institutional autonomy to decide who and when to admit and the criteria to be adopted in the admission process was unequivocally transferred from tertiary institutions to this body. JAMB has also been responsible for setting qualifying examinations for students wishing to enter tertiary institutions. They have also imposed a quota system for admitting students. The board currently adopts the following guidelines as criteria for admission: merit - 40%; catchment area of institution - 30%; disadvantaged states - 20%; discretion of the institution - 10% (Ajayi and Bolu-Awe, 2008:108).

This arrangement has been the source of significant controversy between the ASUU and FGN, the former arguing that it constitutes an infringement on the powers of the Senates of individual universities. ASUU’s Stand on this is:

The quota system being adopted by JAMB for admission of students has brought about a lot of maneuvers and gimmicks not just to the admission process, but to the entire running of the universities including the appointment of lecturers, funding allocation and so on. In many cases, the criteria of ‘federal character’ and ‘educationally disadvantaged states’ have been placed above merit and this has brought about significant asymmetry in the selection process. There [is] this situation where many qualified candidates are denied admission, while some others with very low scores are able to find their way through to be selected on the basis of ‘educationally disadvantaged’. I know it is a good thing to try to promote equal access to education for all regardless of ethnicity and background, but these regulations are not helpful and this is part of our struggle. The universities must be given the power to make these decisions – ASUU (2012:16).

Based on the above, the issue of control over admissions was to be understood as part of a wider struggle for control of the autonomous decision making powers of Universities. At the same time, there are practical effects of this policy: the implications of the quota system have been argued to be one of the key elements affecting the level of student intake in Nigerian universities as well as the quality of manpower produced by the universities.

According to Onyeonoru (2006:18): “The Joint Admissions and Matriculations Board (JAMB) also eroded the power of the Universities to determine the level of student intake and the criteria for admission. The use of population size rather than need to determine the funding of universities induced the institutions to increase student intake beyond the capacity of available infrastructure that could support quality teaching and learning.” Although there is a general shortfall in the supply with respect to demand, the admission of students should, according to the union, correspond with the level of facilities available and the allocation of funds.

Establishment and Accreditation of Academic Programmes

Prior to the 1970s, the introduction of new academic Programmes was subject to the internal procedure of the universities. Under this
arrangement, a proposal usually emanates from a department and was scrutinized by the faculty board before it was tabled for consideration by the senate. But the current system in place has shifted the approval of curriculum to the National Universities Commission (NUC) established initially in 1962, on the grounds that the commission will evaluate whether or not there are sufficient resources to support new Programmes. The NUC is also in charge of the accreditation of the academic Programmes and curriculum content for all universities. Despite academic representation on the commission, Onyeonoru (2006:19) notes that under the military rule in Nigeria some of its roles have become more directive, and can be argued to have violated university autonomy.

Initially the NUC was charged with the principal objectives of ensuring the orderly development of university education, maintaining standards and ensuring adequate funding. However, since the enactment of a new NUC decree in 1974, the government has expanded the scope and powers of the NUC over the universities. This has given the NUC a form of supervisory power which the ASUU alleges the government now uses to centrally control the universities.

With the incremental expansion of the scope of operation of the NUC, the powers of the university senate to regulate the content and structure of curricula in the universities have been usurped by the Commission. In several areas, universities have lost their power to develop new programs, realign their courses and the content of their curricula to match labour market requirements. Changes in undergraduate programs, introduction of new degree programs and even changes in the names of university departments must attract the approval of the NUC. Where the NUC’s position conflicts with that of the senate and experts in the field within universities, the opinion of NUC will prevail - no matter how wrong or unappreciative of rapid development in the field – (Adesina, 1998, 2000 cited in Onyeonoru, 2006:19)

ASUU claims that the control of the NUC over the content and structure of the curriculum does not give room for innovation in curriculum development. ASUU contents that:

The reason why we are insisting on academic freedom is to remove the unnecessary limits or barriers that governments tend to place on knowledge acquisition and transfer in universities…and these barriers are detrimental to scholarship, innovation and educational advancement. ASUU (2012)

Part of the union’s argument, thus, is about effectiveness: in order for Nigerian Universities to discharge their duties effectively there needs to be institutional autonomy; each university must be capable of running its affairs, free to regulate itself, and free to make decisions to articulate and implement its own programs.

In summary, a major aspect of the ASUU disputes on university autonomy has been the protection of academic freedom. These academic/intellectual rights are usually enshrined in a nation’s constitution. However, in the Nigerian situation, the constitution does not provide for the explicit protection of academic freedom like some other African countries, though this is implied in the constitution through the freedom of expression statement.

The struggles of the union in this area have not proved to be successful as the government through its regulatory bodies such as the NUC and JAMB continue to exercise control over admissions, establishment, accreditation of courses and other academic related activities. What is revealed here, then, is the degree to which the dispute is shaped, not only by economic concerns, but by a desire on the part of academic staff to protect the integrity of intellectual decision making generally, and of their ability to define the goals of academic practice in Nigerian universities. The paper now takes a look at the more controversial issue of administrative autonomy within Nigerian Universities.

Administrative Autonomy

Administrative autonomy is concerned with issues such as the role of the Visitor, the appointment and dismissal of the Vice Chancellor and members of the Governing Board as well as the discipline of students and staff (Sylvester 2012). Before proceeding to the major debates around this area of administrative autonomy, it will be pertinent to have an understanding of the role of the parties involved
in the disputes. On the union’s side, the main parties involved are the ASUU members (both union officials and rank and file members), and the high profile administrators such as the Vice Chancellor, Deputy Vice Chancellor, the Members of the Senate and the Governing Board. Suffice to say that the main issues in the disputes on administrative autonomy revolve around the appointment and dismissal of Vice Chancellors. This has become a highly politicized question.

This is perhaps due to the fact that the remuneration and other pre requisites surrounding the office of the Vice Chancellor are now comparable to those of political office holders of equivalent status. This also gives an indication of why such positions have become the subject of fierce competition in recent times. On the government’s side, the main actors are known as the Visitors: the President of Nigeria and the State Governors (or their equivalent positions under military rule) are referred to as the Visitors to the Federal and State Universities respectively. The Visitor has become a major feature in the legal structure of Nigerian universities as they possess both judicial and quasi-judicial powers (Ajayi and Bolu Awe 2007:10). Although significant concerns have been raised regarding the legitimacy of the role of the Visitors to Nigerian universities, the norm is that the Visitor is able to make key appointments such as that of the Pro-chancellor/chairman of Council. In some other cases, the Minister of Education or his delegated representatives (such as members of the Federal government negotiating team) also represent the position of the government on the matters relating to administration in Nigerian universities. The paper proceeds to examine the concept of university autonomy within the context of military and civilian rule. In both cases, the position of the law and the appointment and dismissal of vice chancellors will be particularly examined.

Administrative Autonomy under Military Rule

Since the formation of ASUU in 1978 up until 1999 and the transition to a democratic regime, the prolonged military rule helped to lay the foundation and shape what has now become a crisis of nationhood which affects not just Nigerian universities, but the entire country as a whole (Adigwe 2010). Nevertheless, the years of military rule violated the academic freedom and administrative autonomy which the statutes establishing Federal and State Universities conferred on them. According to Jega (1995:252) ‘they sought to control the university system and in the process virtually destroyed it’. First, the military made attempts to establish control over universities by directly appointing Vice Chancellors who were seen to be representatives of their interests. The result was the removal of institutional freedom and due process and a form of autocratic rule became institutionalized on many campuses (Jega 1995). ASUU Contends:

The military regime eroded university autonomy by Decree No.23 of 1975 when the federal government took over regional universities. Before then, the power to appoint the Vice Chancellor was the sole responsibility of the Governing Council. The Decree No 23 removed the power to appoint Vice Chancellors from the Governing Council and vested the power on the Head of State or the Visitor to the universities. The military government even imposed sole administrators in some universities to take over the functions of the Vice Chancellor, Senate and Governing Council when there were situations of unrest or conflict. ASUU (2006)

There have also been numerous cases of undue direct interference in university administration according to a union member from Ahmadu Bello University. For example, in 1978, the Federal military government interfered with the powers of the senate of the University of Ibadan by requiring the Senate to explain why so many students failed in the 1977/78 academic session. Subsequently, in 1980, an internal dispute between the Vice Chancellor of the University of Lagos and six professors resulted in all of them (and the registrar) being fired by the government, without due process. Both directly, then, in the form of straightforward interference, and indirectly, through the appointment of Vice Chancellors beholden to the government, University campuses came to mirror the wider political situation in Nigeria.

Egbokhare (2006:4) captures the spirit of these developments:

Vice chancellors appointed by the government do not feel accountable to their constituents.
They are often dictatorial, corrupt and tend to misappropriate scarce resources. Because they lack popular support, they introduce ethnic and religious politics into university administration. Some vice chancellors promote cults as underground security outfits and they employ such cults to perpetrate crisis when it appears expedient. Others subvert senate and university organs.

According to the union’s account, between 1992 and 1998, the Federal Military government also unilaterally appointed a new figure – the ‘sole administrator’ – on the following institutions: University of Nigeria Nsukka (UNN), Federal University of Technology (FUT) Minna, University of Maiduguri, Ladoke Akintola University (LAUTECH) Ogbomoso.

The decrees that introduced sole administrators dissolved the governing councils of these institutions and vested all powers of decision making on the sole administrator who acted with the combined roles of the Senate, Council and Vice Chancellor. Matters relating to the appointment, promotions and discipline of staff members were under the direct control of the sole administrators with no regard for established due process. Predicatably, there are also reported cases where university resources meant for capital expenditure was misused through inflated contracts and dubious projects approved by sole administrators with the approval of the military governments (Jega, 1995:252). At this time, both academics and students repeatedly went to court to seek redress for perceived violations of their human rights. In many of these cases, the courts seemed helpless, due to the frequent annulment of jurisdictions by military decree (Jega 1995: 253).

**Administrative Autonomy under Democratic Rule**

In response to the need for institutional autonomy in Nigerian universities, and following the return of the democratic dispensation, ASUU sponsored a bill at the National Assembly known as the Universities (Miscellaneous Provisions, Amendment) Act 2003. The bill spelt out, among other things, the provisions for autonomy, university management and reorganization in Nigeria. Key features of the bill included the restoration of the administrative powers of the governing council over the affairs of the university, as well as the powers of the senate on academic matters. It also outlined a participative role for students in certain aspects of the university governance process. This bill was passed by both houses of the National Assembly on the 3rd day of July 2003 and was signed into law by the then President Olusegun Obasanjo on the 10th of July 2003. The two new sections introduced by this act clearly spell out the autonomy of Nigerian universities:

- The powers of the council shall be exercised, as in the Law and Statutes of each University and to this extent establishment circulars that are inconsistent with the Laws and Statutes of the University shall not apply to the Universities
- The Governing Council of a University shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the university

It is the view of the union members that the aim of these provisions is to free the Universities from the control of the state and to enable the Council to exercise its powers and carry out its functions without undue external influence or interference. The other provisions of this amendment Act are implicitly or explicitly aimed at fulfilling these objectives and will be discussed as the section progresses. On the face of it, these provisions represent a victory for ASUU yet, as the cases discussed below will demonstrate, in practice the conflict over political control of the Universities has continued into the new ‘democratic’ era.

**The Appointment of Vice Chancellor**

One of the issues that have been particularly disputed by the ASUU is the power of the Visitor to appoint Vice Chancellors. Section 4 of the Amendment Act thus states that:

- The Council shall select and appoint as the Vice Chancellor one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor.

ASUU had particularly condemned the arrangement whereby the Visitor appoints one name from a list of three candidates nominated by the University Council for Vice
Chancellorship because, in practice, the role of the vice chancellor has often been relegated to that of control and supervision on behalf of the government.

It is clearly improper for government to appoint Vice Chancellors and impose them on the academic communities in clear violation of one of the most cherished principles of university administration and its code of conduct. It is equally improper for government to appoint its own nominees to Councils of the Universities established under laws, whether decrees or edicts, enacted by it, and then proceed to usurp the powers of these councils by arrogating to itself the right to discharge the legal responsibilities of the university councils in relation to the appointment, disciplining and removal of their staff - (ASUNU, 1979:21-22, cited in Onyeonoru, 2008:06)

A number of indicative cases of disputed appointments of Vice Chancellors could be seen, for example, the appointment of Professor D.V. Uza, a professor of veterinary medicine and Benue State Independent National Electoral Commission returning officer in the 2007 polls, as the Vice Chancellor of the University of Agriculture, Makurdi, Benue State, raised controversy amongst University stakeholders and critics. The position in question first became vacant on 5th September, 2006 due to the expiration of the tenure of the Professor J.O.I. Ayatse. Thereafter, the governing council set in motion the process of appointing a new Vice Chancellor. The selection process began with the placement of advertisements in widely read national newspapers and the constitution of a team to look for reputable candidates from the wider academic community who met the qualifying criteria for the position of Vice Chancellor. Thus, 20 applicants were considered and short listed by the Joint Council/Senate Selection Board as guided by the Amendment Act of 2003.

Of this figure, 11 candidates were interviewed and the report was submitted to the Governing council. The council considered the recommendation of the Board which advised that Prof D.V. Uza, Prof E.I Kucha and Prof I.I. Dafwang be considered for the position of Vice Chancellor. However, the Governing Council wrote directly to the then President (Umaru Yar’Adua) through the Ministry of Education, requesting him to appoint one of the three candidates. This led to the emergence of Prof. Uza. According to ASUU, the appointment process did not follow the provisions of the law and was clearly manipulated. In the union words: Under the provisions of the Universities (Miscellaneous Provisions Amendment Act, 2003, the President of the Federal Republic of Nigeria has no role in the appointment of the Vice Chancellor of a university. The President is only meant to be informed of any appointment according to the Act. The President is a visitor to the university, and as such there is a distinction between the powers of the president and the powers of the visitor for the purposes of university administration; the powers of the President are intended to be used under separate circumstances and conditions from those exercised as a visitor. In this case, the Minister of Education manipulated the recommendation of the Governing Council to the President in favor of Prof Uza. So we have written to the Governing council of the University of Agriculture to revisit the appointment as the whole procedure is “null and void” – (ASUU 2012).

Similar cases have occurred in Rivers State University where the then governor (Rotimi Amaechi) was alleged to have unilaterally imposed a vice chancellor to the university which resulted into serious crisis. Another disputed appointment in University of BENIN in 2013 was cited by an ASUU member as:

There was breach of selection procedure in the recent appointment of the UNIBEN VC. I gathered that he was earlier rated 7th, but was catapulted to the 3rd position and his name was included among the three names recommended to Council. During the final selection process, the 1st and 2nd candidates were denied the position and the 3rd candidate was appointed. How can you explain that? This appointment by the council demands an explanation. This is an academic environment and things ought to be done by merit. Council meetings are now like conclaves or supreme courts where judgments are pronounced as if they cannot be appealed. This is totally unacceptable - ASUU (2013).

These examples show that even amongst council members, patronage in the selection process plays out through appeals to higher political
authority. These cases introduce the wider question of ethnicity and nepotism in university administration. The Nigerian higher education sector and indeed the entire political landscape in Nigeria have been deeply influenced by the politics of ethnicity and religion. The selection of university officers is not meant to be influenced by ethnic, religious or political considerations. The council’s appointment of a Vice Chancellor is expected to be based on merit. The decision of a university council in appointing a Vice Chancellor based on kinship or political considerations can be (and in many cases has been) challenged in a court of law because their decision is not final and unquestionable. Moreover, though the visitor does not have the right of appointment, he has the power to appoint, remove or dissolve the University Governing Council according to the law or due process. But where the Visitor and Council members are conniving to appoint their own preferred candidates, the question of administrative autonomy still hangs in the balance.

The Removal of Vice Chancellors: In the same way that the University Miscellaneous Provisions (Amendment) Act of 2003 provides for the appointment of a Vice Chancellor, it provides also for the removal of a Vice Chancellor. Section 3, subsection 8 of the Act provides that:

The Vice Chancellor may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.

There have also been recent cases of removal of Vice Chancellors which can be observed especially in local state universities. Two recent cases in particular stand out: the case of the University of Ado-Ekiti (UNAD) in Ekiti State and that of the Ambrose Ali University (AAU) in Ekpoma, Edo State. In Ekiti State, the Visitor (i.e. in this case the State Governor) removed, in 2011, all three Vice Chancellors of the state-owned universities. The biggest of these universities is the University of Ado-Ekiti (UNAD), where the former Vice Chancellor, Prof Dipo Kolawole was relieved of his duties by the Governor of the State and the Visitor of the University. The UNAD chapter of ASUU headed by the Chairman, Dr Ayan Adeleke decided to challenge the removal of Kolawole by the State government in the court of law. According to a press conference given by the Chairman the union decided to take up a legal challenge against the state government in the face of these events. In the words of an ASUU chapter chairman:

The removal of Prof Dipo Kolawole is not our business, but the process of that removal is what we are challenging in Court. In removing a substantive VC, there are laid down rules, which we thought the government breached and this we are challenging to restore sanity and orderliness into the process. The hearing of the case is slated for June 14, 2011... The litigation is targeted at smoothing rough edges and perceived mistakes in the removal of the former VC – ASUU Chairman, (UNAD 2011)

The Removal of Staff Members: The violation of administrative autonomy is not only limited to the appointment or removal of Vice Chancellors according to ASUU. The union further explained that university lecturers are affected by the seeming arbitrary powers exhibited by the government, in most cases, in concert with their close allies in the Universities. The most high profile of such cases historically was that of the removal of forty-nine lecturers of the University of Ilorin by the Vice Chancellor, Professor S. Oba Abdulraheem, for participating in a nationwide strike which was called by the ASUU in 2001. After a series of strike actions seeking to reinstate the sacked lecturers (as well as appeals by the Yoruba Council of Elders to the then President, Olusegun Obasanjo), the union members at the UNILORIN branch resorted to litigation. Five of the 49 lecturers approached the court to seek redress on behalf of their colleagues. On July 26, 2005, the Federal High Court, Ilorin, under Justice Peter Olayiwola, ruled that the termination of the appointment of the lecturers was without fair hearing and thus was “illegal and unconstitutional”. Thus the action of the university was declared “null and void” and the court ordered their immediate reinstatement. However, the university exercised their right of appeal and challenged the judgment at the Court of Appeal sitting in Ilorin, Kwara State. The court upturned the decision of the High Court and declared that
the university had acted in order in sacking the 49 lecturers because the university authority claimed that they were involved in examination malpractice. The court of appeal maintained that the lecturers were not sacked for their taking part in the strike. After about eight years and 10 months, the circuitous battle came to a close on December 2009 when the apex court, the Nigerian Supreme Court, ordered the immediate reinstatement of the 44 lecturers (the other 5 already been reinstated by the same court) and ordered the payment of all their entitlements with effect from February 2001, the date of their illegal disengagement. In summary, administrative autonomy has to do with the internal governance of universities with respect to administrative matters. Principal issues of concern to the union are the procedures involved in the appointment and removal of the Vice Chancellor and the constitution of other administrative offices, e.g. the Senate, the Governing Council and the role of the Visitor. Under military rule, Nigerian universities did not enjoy administrative autonomy as military dictators interfered strongly with the affairs of the universities, clearly subverting the powers of the Senate and University Councils and imposing sole administrators in some institutions.

Following the return of a democratic regime, the union sponsored a bill which among other things was meant to introduce safeguards into the governance processes of universities. Although the Universities Miscellaneous Provisions (Amendment) Act 2003 clearly asserts the autonomy of Nigerian universities, what seems evident in practice is the continued violation of the underlying principles of autonomy and a preponderance of lawlessness and arbitrariness in many universities, particularly with respect to the appointment and dismissal of Vice Chancellors and members of University staff. Thus, while administrative autonomy has been granted to Nigerian universities on paper, in practice it remains precarious.

What can be seen, in all of this, is the extent to which the politics of control within Universities themselves come to appear like those of Nigerian politics more widely; thus local battles against Vice Chancellors and others unilaterally imposed by the state become a mirror of a wider democratic struggle within the nation. This is a further reason why the dispute under consideration here has come to be understood as involving political as well as economic questions.

Financial Autonomy

It can be pointed out, very briefly, that besides academic freedom and administrative autonomy, there is also the question of universities’ financial freedom. Prior to 1975, the government had no business with the determination of fees and charges for universities. Students were either financed by government scholarships or by their own sponsors. The abolishing of tuition fees in 1975 by the federal military government marked a significant loss of revenue for education. While the government, on the one hand, wants the universities to find alternative funding sources and become financially autonomous the universities through their union, on the other hand, argue that the government has the resources to finance the universities and should continue to take full responsibility.

The latter also want education to be free. In general, the government has been the sole source of University funding in Nigeria, making universities almost wholly dependent on the fiscal fortunes of the state. For example, available estimates from the NUC (2001) reveal that 98% of the recurrent expenditure of universities is financed through grants by the federal government. The NUC is the body vested to disburse money to universities in the country. A major part of the functions of the NUC are financial in nature: (1) advising the government and making enquiry into the financial needs, both recurrent and capital of university education in Nigeria; (2) receiving block grants from the Federal Government and allocating them to federal universities; (3) taking into account, in advising the Federal and State governments on university finances, such grants as may be made to the universities by State Governments and by persons and institutions in and outside Nigeria. For the union, the NUC is seen as a conduit of government control over University operations and this increased central control over funding questions is thus also, according to the union, detrimental to institutional autonomy.

Conclusions

The Nigerian universities have not enjoyed academic freedom in its fullness. This is
because the JAMB and NUC determines the admission of students in relation to catchments area or disadvantaged states and the establishment and accreditation of courses respectively. The determination and imposition of academic standards and criteria by JAMB and NUC on Nigerian universities hinders innovation and scholarship which in turn erodes the very essence of academic work. In relation to administrative autonomy, Nigerian universities are still faced with a situation in which the politics of ethnicity, religion and nepotism reduce the principle of merit in the appointment and removal of Vice Chancellors and other academic staff members. This development questions specifically the extent to which the provisions of the Universities Act of 2003 (which, among other things, assert the autonomy of Nigerian universities) have been implemented, and raise questions more generally about the future of education in Nigeria. While ASUU wants to be academically and administratively autonomous, it wants the government to continue to fund the universities in such a way that their autonomous operation is protected.

Reference

[7] ASUU (1986): Professor Jibril Aminu and the Crisis in Nigerian Education; A publication of ASUU
[10] ASUU (1996): Minutes of the emergency National Executive Council meeting held on the 5th of July at University of Lagos
[20] ASUU (2010): Memorandum to the presidential commission on salary and condition of service of University staff
[22] ASUU (2013): Communiqué issued at the end of National executive council meeting
of the Academic Staff Union of the Universities held in Lagos.


[46] Obasi I.N (1988): “Re-numeration in the Nigeria Public Sector; A case for Inter-
sectoral Salary Differentials within a non-uniform Remuneration in Public Sector”; a paper presented at the national Conference on uniform remuneration in public sector, held at University of Ibadan


