

**EVER CHANGING CONTEST:
THE STRUGGLE FOR ACADEMIC FREEDOM
AND ITS REPERCUSSION IN NIGERIA, 1985-2005**

Y. Z. Ya'u
Centre for Information Technology and Development (CITA)
Kano, Nigeria

Abstract

Academic freedom has always been a contested terrain in Nigeria. While academics have used it to provide a critical voice to national issues, government has consistently thought to suppress it because of its perceived subversive quality. This contest came to ahead from 1985 when the military regime in an attempt to impose the authoritarian and unpopular Structural Adjustment Programme (SAP) met serious opposition from the academic unions.

Since then academics have made the struggle for the defense of academic freedom and the expansion of its frontiers central to the survival of the university system in Nigeria. In the process, many academics have suffered various acts of repression by government including detention, stoppage of salaries, eviction from official houses, termination of appointments and repeated ban on their union.

When the military left the national political scene in 1999, there was expectation that tolerance of academic freedom was going to improve in the country. However, the conditions for the flourishing of academic freedom have rather become precarious. What has changed is only the pattern and nature of government efforts at delimiting academic freedom.

This paper based on a 20-year documentation of abuses of academic freedom in Nigeria analyses the changing pattern of contest over academic freedom during the last 20 years in the country. It asserts that while democratization is a necessary condition for the flourishing of academic freedom, it is not in itself a sufficient condition. The paper concludes that only through the commitment of academics to the principles of academic freedom and their collective vigilance in its defense will its flourishing be ensured.

Introduction

Academic Freedom has been defined as “the freedom to explore, and follow the truth to its logical conclusion, the right of scholars to seek truth and to disseminate same without hindrance, the right to teach, investigate and criticize” (ASUU, 1992). Students as integral part of the academic community have a slightly but complementary definition of academic freedom which include freedom from the imposed restrictions of secondary school life (Yusuf, 2005). Although it is specialized body of rights, it is easily derivable from both the universal Declaration on Human Rights and the International Covenant on Civil and Political Rights as well as from the country's constitution. (Okoye and Ya'u, 1998). This body of rights can for the sake of analysis be categorized into the right to freedom of expression, the right to tenure/studentship, freedom of association and university autonomy. These are necessary for unfettered production of knowledge and its free flow in the society.

The first major national assault on academic freedom in Nigeria was in 1978. In that year students in the country's higher institutions embarked on protests in response to the government's increase in feeding and accommodation charges. Police sent to quell the protests by government shot and killed many students, which rather escalated the crisis. The government then unilaterally without consultations with the governing councils and senates of the institutions closed them, sacked two vice chancellors, terminated the tenure of some lecturers, expelled some students' leaders and banned the National Union of Nigeria Students (NUNS). To further

make nonsense, the concept of university governance the government decided to post Vice chancellors like military commandants.

Although academics perceived these acts as undermining academic freedom (ASUN, 1978, Nwala, 1994), their association, the Academic Staff Union of Universities (ASUU) was not in position to either protest or defend the tenure of its members who have lost their jobs. Instead this was left to a few academics operating on adhoc committees in a few universities. In fact up until this time, in fact ASUU which was established the previous year was yet to depart from the traditions of NAUT which functioned as a welfare association and did not concern itself with issues like academic freedom and institutional governance. However this incident sent a signal to the academics that they needed a union that could defend them against such illegal acts of government.

Partly as a result of this, the radical current within the academic community, which up until then was more concerned about national issues, decided to become more active in the union leadership (Ya'u, 2004). Thus in the subsequent election Dr. Jeyifo, a member of the Socialist Forum was elected as President. Another radical history lecturer, from the ABU, Dr. Mahmud Tukur was elected as Vice President.

Academic Freedom as an obstacle to SAP

In 1983 there was a military coup, which resulted in an authoritarian but nationalist government. This was to be removed later in 1985 through another military rule. This time, the government came to resolve the deadlock between the country and the International Monetary Fund (IMF), which was caused by the nationalist inclination of the previous military regime. This meant that the economic policies of the regime were to be attuned to the conditions and stipulations of IMF and the World Bank.

By the 1986, the major thrust of the government economic policy had emerged: retrenchment in the public sectors decreased spending for education, move to rationalize university courses (closure of programs, departments and faculty) and retrenchment university staff. Although the government had said that in keeping with the view of Nigeria, it was not going to take the IMF loan, nevertheless, it was determined to implement an IMF like adjustment programme though calling it homegrown. To facilitate the conduct of the rationalization of the university courses and programmes, the government enacted Decree which empowered the National Universities Commission (NUC) to set minimum standards for all courses in the universities and gave it powers to close any programme that did not meet the standards. It also empowered the NUC to decide the number of programmes to be offered by each of the universities. To implement these it set up accreditation committees, whose brief was to shortlist courses, programmes and faculties to be closed or rationalized.

This has serious implications to the education sector. Students whose union was banned in 1984 also opposed the regime's package of adjustment. This led to a series of confrontations culminating in the Ango most go demonstrations during which the police once again shot and killed over nine students. The nation rose unison to demand investigate and justice. Members of the academic staff were vehement in their condemnation of government handling of the crisis. They joined hands with the NUC to stage national day of solidarity with the student on June 4. The government moved military armoured vehicles and tanks took over the national secretariat of the NUC. In the night of the 3rd, government security agents went to different campuses and arrested a number of the union leaders all in an attempt to pre-empt the protests. Notwithstanding this the union and the NUC decided to boycott the Panel and called for the setting up of an independent Panel.

In the meantime, the government used the Panel to articulate some measures, which they thought, could curb the militant influence of ASUU. First, the practice of automatic check off dues deduction was ordered by the government to stop. This was aimed at hitting the financial base of the union. Secondly, ASUU was banned from the membership of the NUC. Thirdly, Vice Chancellors were directed to compile names of all lecturers who “were not teaching what they were paid to teach” to be flushed out. Indeed, a number of Vice Chancellors did compile the list of outspoken academics and submitted same to the Government.

Meanwhile the Government set up the Akanbi Judicial Panel on the Crisis. Since ASUU had called for such a panel, and moreover, since a Judicial Panel has the power to summon people to appear before it, the Union decided to make a submission on the crisis and how it could be solved in the future. The ASUU submission to the panel (ASUU, 1987) not only addresses the specific issues of the crisis but also the education sector in general as well as the economic policies of the regime, which the union blamed for the crisis in the education sector. The submission also dwell on the issue of governance of the university, an issue which the union considers as part of the concept of academic freedom, that is the freedom of the universities to be governed by themselves without undue influence or pressure from the government, including the right to elect their leaders.

The publication documents a series of government’s acts/actions which undermined university autonomy and academic freedom including the enactment of Decree 16 on Minimum Standards which transferred the functions of university senates and Councils to the National Universities Commission (NUC), the appointment of Vice Chancellor without following the procedure and the dismissal of six academics at the University of Lagos by the Visitor in 1980, who were also reinstated to their jobs by a Supreme Court verdict in 1986. It called for the immediate reconstitution of governing Councils, which had been dissolved since 1983, in the spirit of academic freedom and autonomy, allow universities to “determine what to teach and what not to teach, the lifting of the ban on student unionism and the repeal of Degree 17 which infringes of the right of students, among others.

Both ASUU’s initial response to the crisis, (particularly its open letter on the Education Minister) and its submission to the Akanbi Panel convinced the government that ASUU’s fight for academic freedom was to undermine government policy. It was also clear that the government and the union could not agree on these matters, and given that the regime wanted to implement the structural adjustment programme (SAP), it had to find a way to deal with union. Thus the government turned to a Visitation Panel to the University of Benin the base of the ASUU President. The visitation purportedly found him guilty of engaging in private practice and recommended his dismissal, which the President promptly authorized the dismissal. Other union activists and vocal professors were also either dismissed or reprimanded.

The assault on the leadership of the union which was clearly politically motivated (the courts were to reinstate the academics to their positions) became a tool to destabilize the union from within by using pro-government elements to argue that since the President had been dismissed, he should not preside over the union nor speak on behalf of the union. However, majority of the members of the union opposed this and he continued to perform his duties as President to the end of his tenure. This made the government to refuse to agree to negotiate on the ASUU's Log of Demands the union submitted, which had a section dealing with university autonomy and academic freedom.

Sensing this, an early NDC was called, and although Iyayi had the support for a second term, he declined and his Vice President was elected as the new President. The NDC also renewed its demand for negotiations on conditions of service. Immediately after the NDC however, the anti-SAP coalition suffered a set back as the leadership of the NLC was dismissed by the government and a Sole Administrator appointed to oversee its activities. Notwithstanding, the opposition of the union to SAP remained unshaken and when in April students went on protest against SAP, the union offered solidarity statements. This further angered the government and became more lukewarm to the demands of the union for negotiation. However to make its

demand for negotiation more effective the union courted the friendship of the two other unions in the university system and formed a Joint Action Committee (JAC). The JAC gave an ultimatum to the government to start negotiation with the unions before 8th June or else they embark on indefinite strike. When eventually by the 9th Government had not responded to the unions promptly went on strike. The government then responded first by banning the unions and forbidding their members from organizing under any name. While the other unions ordered their members to go back to work, ASUU insisted that the strike cannot be called off since the only body to call off the strike had been banned by the government. It also directed its members to continue to organize in whatever name, asserting their right to freedom of association and freedom of expression, two of the components of academic freedom (Jega, 1994, Ya'u, 2004).

This open defiance by the leadership of the union embarrassed the government and immediately ordered crackdown on the union leaders over the country. More than 30 were initially arrested and detained. Later most were released after a few days but members of the national leadership, including the former President, were to spend more than 30 days in detention. Not long after their release, members of the academics at University of Ife organized a national conference on the World Bank and Education in Nigeria. The conference provided a cover for meeting of leaders of the academics from different branches and took a number of decisions including mobilization plan. However, the morning after the conference there was a military coup attempt. Working on a theory that the conference and the coup attempt were somehow linked, government arrested and detained the local union leaders along with the coup plotters. The struggle to get the detained lecturers detracted the academics from their agenda of reviving their union. Immediately they were released after more than three months in detention, they were retired from the service of the university, even though no evidence was found to link them with the coup attempt. At the University of Ibadan, another professor who had spoken against the government in a church congress was similarly arrested and detained, and retired from the service when eventually he was released. The academics went to court and fought back their jobs.

Academic Freedom against Military Rule

In 1991 the government lifted the ban on union of the academics. The union quickly met and called a National Delegates Conference (NDC). The NDC returned virtually the pre-ban leadership of the Union. Following the experience of detention in the hands of the military government, many of the ASUU leaders became convinced that academic freedom cannot flourish under the military rule, and since military did not seem ready to leave, it was imperative that they join forces with other groups demanding the exit of the military from the political scene of the country. It was in this context that the ASUU-NDC not only set up a Commission on Human Rights but also became a founding member of the Campaign for Democracy, a coalition of several human rights groups, trade unions and other civil society organizations.

The NDC also set up machinery to get the government to negotiate conditions of services with the academics. While government was willing to make unilateral offer on salary, the union not only rejected the offer but also insisted that negotiation must be comprehensive covering academic freedom, university autonomy and funding. Eventually the government refused to negotiate and the members of the academic community embarked on an indefinite strike. The government responded as it did earlier by banning the union. However the previous ban had taught the academics some lessons and the strike remained intact. Next government stopped the salaries of the lecturers, and when this failed, it issued sack letters to all those on strike. Still this did not break the strike, and in the end government called leaders of the banned union to the negotiating and negotiated the September 2 Agreement.

The section on University Autonomy and Academic Freedom made far-reaching provisions to promote academic freedom and university autonomy. These include a new criterion for the composition of Governing Councils of universities, amendment of Decree 16 of 1985 on Minimum Standards which transferred the power of university senate in drawing u academic programmes to the NUC as well as the amendment of the Joint Admission and Matriculation

Board, whose operations has usurped the function of universities in admitting students, and review of Decree 17 of 1984 which gave the President the power to remove any public servant "in the public interest". Academics have been calling for the repeal of this Decree as it automatically took over the power of university Governing Council on the determination of the appointment of university staff. It was used to dismiss academics who opposed government policies. The agreement also provided for the democratization of governance of university through the committee system whose memberships were now to be elected.

No sooner than the agreement was signed, a new Minister of Education declared the agreement as imperfect contract, not meant to be implemented. This set up a chain of events resulting in a new round of strike and the dismissal of virtually all academic staff in the country's universities.

While this was going on the country was entering into a political crisis. A presidential election whose result had been out already was cancelled by the President, leading to suspicion that he did not want to handover. Academics condemned the action and demanded that the results be upheld and the winner be sworn in. The government refused and the Campaign for Democracy (CD), of which ASUU was a founding member called on national protests and demonstrations. The government responded by arresting the leaders, including many members of the academic staff. Eventually although the government did not reverse itself on the result, it handed over to a contraption called the Interim National Government (ING). The new Minister of Education, looking for popularity for a government that was lacking legitimacy was eager to reach an agreement with the striking lecturers, and a new round of negotiation was quickly entered into. Within days agreement was reached: the dismissal letters were withdrawn, salaries paid and the strike suspended. He also announced the lifting of the ban on the union.

The ING was soon dismissed by the military was uninterested in implementing the agreement on funding and academic freedom. In particular it jettisoned the agreement with respect to the review of the laws governing the NUC and JAMB as well as the repeal of Decree 47. Government had also unilaterally altered the procedure for the appointment of Vice Chancellors through a new Decree (No 11 of 1993), which allowed incumbent VCs to have a second term of office without following the due process. By early 1994, the crisis at the University of Abuja where the Vice chancellor had sacked all founding professors of the university, all union leaders and expelled over 50 students (Bello and Adinnu, 2005) had become a national issue as ASUU sought to ensure justice for its victimized members. There was also the failure of the government to allow the Governing Council of the Federal University of Technology (FUT), Minna to follow the procedure to appoint a Vice Chancellor, resulting in the appointment of a Sole Administrator for the University. This was a major slap on the concept of university governance and predictably became a sore point for the academics.

Following repeated demands by the academics for government to remove the Sole Administrator at FUT, Minna and to intervene in the crisis at University of Abuja, ASUU in August following the expiration of a four-week ultimatum declared a trade dispute with government on a five-point demand. The Union had become frustrated that the military was not interested in resolving the crisis in the universities and in declaring the trade dispute therefore the union included a political demand, that the June 12 Presidential election be upheld, a demand that was intolerable to the government and in many campuses several lecturers were arrested and detained. The dispute was seen by the government as political and therefore allowed the ultimatum to expire resulting in another round of strike by academics. This strike lasted until January 1995 when some agreement was reached. The agreement included the withdrawal of the political demand and an undertaking by the government to recall all staff and students dismissed, suspended, expelled or rusticated at University of Abuja setting up of visitation panel to look into the crisis and the reconstitution of Governing Council for the Federal University of Technology, Minna to appoint an Acting Vice Chancellor for the university.

As soon as ASUU suspended the strike, the government forgot about the agreement, and proceeded to commit more breaches, including irksome and ridiculous appointment of more sole administrators for the universities. Following a protracted crisis at the Ahmadu Bello University, Zaria where the Vice chancellor was bent on sacking those who exposed his corruption Government dissolved the Governing Council and appointed a Military General as Sole Administrator to run the university. This soon became the fashion and by 1997 more than 10 sole administrators were appointed to run institutions of higher learning, including another controversial appointment at the University of Nigeria, Nsukka which resulted in the sacking of over 180 academic staff by the Sole Administrator in a bid to cover his corrupt deeds (Okoye and Ya'u, 1999). Many of these academics were arrested, detained, and charged with arson.

The Government shunned several overtures by ASUU for negotiation and in April 1996 the union once again embarked on an indefinite strike. The government initially responded by entering into negotiation with the union, even as it ordered the salaries of academic staff be stopped. Within two weeks however, without a deadlock at the negotiation, the government unilaterally ordered the negotiation suspended, dissolved the national leadership of the union and ordered individual Governing Councils to negotiate at campus level. Once again the right to freedom of association of academics was at stake. The failure of the government action to make the academics go back to classes was followed by a massive crackdown on and several academics were arrested and detained while a number such as at the University of Benin were forcefully evicted from their official residences. Many also were dismissed from the university including the entire leadership of the union.

Academic Freedom against IMF/World Bank

With intervention by several organizations, ASUU suspended the seven-month strike in September. However, there was no substantive agreement beyond the understanding that all those who were dismissed as a result of the strike were to be recalled. Matters thus temporized at this level until the death of Abacha in 1998. The new Government, which saw itself as a stopgap regime accepted to dialogue with ASUU on what it called palliatives, arguing that there was no time to engage in substantive negotiation. Thus in the agreement signed by both sides, it was stated that as soon as a new government came to office, substantive negotiation on matters of funding, university autonomy and academic freedom would take place.

However, as soon as the civilian regime came, it first claimed that there was no such agreement between the previous government and ASUU. With no commitment from the government to honour the agreement, the Union went on another strike. Following intervention including by the National Assembly, the strike was suspended. However, the handling of the strike by the Vice Chancellor of the University of Ilorin created a local problem by sacking over 54 of the academics staff who remained faithful to the national strike. Getting them back to their jobs has been a national issue because the suspension of the strike was on the understanding that no one was to be victimized for his or her role in the strike. To make matters even worse, a succession crisis at the Lagos State University resulted in the Visitor to the university ordering the sacking of five professors who were candidates for the Vice Chancellorship for criticizing government's failure to allow the established procedure in appointing the new Vice chancellor. As if in competition to outdo its departed military processor, even as the case of the professors was in court, the government used force to physically evict them from their houses. All these became additional issues for which ASUU now insisted that government had to address.

The civilian regime headed by a president who once when ASUU was on strike put in a word of support now swore that it was not going to give in to any of the demands of the lecturers. In particular, it set about to write its own version of what academic freedom and university autonomy are and shifted gear to that wore out argument that in keeping with the principle of university autonomy, the government advised the union to negotiate with their employers, which are the Governing Councils of the Universities. While on the surface of it, this seems to be in line with autonomy, the reality is that government was determined to break the national strength of the union.

The refusal of the government to negotiate with the academics has resulted in a stalemate in which the only result is the continued decline in the conditions of learning in the universities. Level of funding has decreased in real terms. Many universities are unable to pay salaries. Meanwhile the contest over academic freedom and university autonomy has remained unresolved. Government's definition of university autonomy says that for the universities to be autonomous, they must generate their funds. The academics argue that the state of the universities is such that they cannot generate funds without government investing in them.

To actualize its own vision of autonomy, the government submitted a Bill to the National Assembly on University Autonomy. The major aim of the government was to shift collective bargaining from the National scene to campus-level, so that individual universities staff could only negotiate separately with their Governing Council. But more substantively relating to academic freedom and university autonomy, the Bill proposes to increase the number of external members of University Council; it also excludes Heads of Department from Senate and concentrates power in the hands of Vice Chancellors.

During the process of debating the Bill in the National Assembly, academics not only argued against the government version but also submitted a counter bill. They submitted that government bill not only violated existing agreements between the Union and Government on matters of academic freedom and university autonomy but also breaches several provisions of the constitution of the country (ASUU, 2003). In the end, the bill that was passed by the National Assembly was substantively different from that submitted by the President. For this reason, the Bill remains unsigned.

In this phase of the struggle over academic freedom, it has taken the surrogate of funding. The matter is however not about much the government should give but what is the role of government in funding education in general and universities in particular. It is a contest around state economic policies, for which academics have been vociferous in denouncing the subservience of the regime to the IMF/World Bank. The government in line with its commitment to the IMF/World Bank is determined to reduce public expenditure by cutting social service provisioning such as education. The fight against the IMF and World Bank policy intervention in the education sector in Nigeria has been long dating back to the 1986 when the IMF insisted on rationalization of universities in the country as a pre-condition for a loan facility to the university sector that the government took in 1990 (Bako, 2005).

Conclusion

The expectation of academics that the civil regime could respect academic freedom was shattered. One of the most telling failures of the civilian government to respect academic freedom is the case of 53 academics of the University of Ilorin who were dismissed since 1999. Another unresolved crisis centering on academic freedom is at the Lagos State University where five Professors who opposed the procedure the government adapted in appointing a Vice chancellor for the University contrary to that provided by the law were dismissed on the orders of the State Governor. Government has only not failed to implement several provisions of the previous agreement it entered with ASUU but has consistently refused to renegotiate the FGN/ASUU Collective Bargaining Agreement.

This made conditions in the universities to further deteriorate as under funding has reached a chronic level. Most universities now have since done away with budgeting as they get monthly subvention from the government, rather than the normal quarterly grants. Consequently, many universities are today in areas of salary payment.

In May last year the government dissolved the Governing Councils of all the Federal Universities, and contrary to the agreement with the academics that, Councils must be immediately reconstituted, it took the government almost a year before it finally reconstituted them. During this period, Vice Chancellors ran the universities as Sole Administrators.

While academics in Nigeria are not satisfied with the extent of academic freedom in the institutions of higher learning in the country, it is also clear that government thinks there is too much of it. Government is not able to have its way because of the vigilance and resilience of the academics in defending this tool that they need for their vocation. In this process, many of them have lost their jobs, many have suffered detention and other forms of humiliation, but they have continued to insist that the foundation of any university system must be built on respect for academic freedom and university autonomy. The inescapable conclusion therefore is that while democratization is important in creating a better environment to advance academic freedom, it is not a sufficient condition for the flourishing of academic freedom. What has kept the river of academic freedom flowing is the determination of academics and the collaboration of students with whom they had waged joint and separate struggles defend academic freedom.

References

1. ASUNU, *The University Crisis, the Mohammed Commission, the White Paper and Universe Reaction*, ASUNU, Ibadan
2. ASUU, 1987, ASUU and the 1986 Education Crisis in Nigeria, ASUU: Ibadan
3. ASUU, 1992: Log of Demands
4. ASUU, 2003: Comments on the Bill for an Act to Provide for the Repeal of the Universities (Miscellaneous) Provision Act and to Make New and Better Provisions for the Autonomy, Management and Administration of Universities in Nigeria and Other Matters Connected to it.
5. Bako, S., 1994: Education and Adjustment in Nigeria: Conditionality and Resistance in Mamdani, M and M. Diouf (eds), *Academic Freedom in Africa*, CODESRIA, Dakar, pp 150-175
6. Beckman, B. and Y. Z. Ya'u (eds.), 2005: Great Nigerian Students: Movement Politics and Radical Nationalism, CRD and POSDU, Stockholm
7. Bello, S. and K. Adinnu, 2005: The History of Students Unionism at the University of Abuja in Beckman, B. and Y. Z. Ya'u (eds): *Great Nigerian Students: Movement Politics and Radical Nationalism*, CRD and POSDU, Stockholm, pp 214-222
8. Jega, A. M, 1994: *Nigerian Academics Under Military Rule*, University of Stockholm
9. Nwala, U., 1994: Academic Freedom in Africa: the Nigerian Experience in Mamdani, M and M. Diouf (eds), *Academic Freedom in Africa*, CODESRIA, Dakar, pp 176-191
10. Okoye, F and Y. Z. Ya'u, 1999: *Years of Darkness: Academic Freedom in Nigeria, 1993-1998*, Human Rights Monitor, Kaduna
11. Ya'u, Y. Z, 2004: *Academic Staff Union of Universities under Attahiru Jega*, CSSRD, Lagos
12. Yusuf, A. A., 2005: Academic Freedom, Institutional Autonomy and Social Responsibility in Beckman, B. and Y. Z. Ya'u (eds): *Great Nigerian Students: Movement Politics and Radical Nationalism*, CRD and POSDU, Stockholm, pp 42-53