

AUTONOMY OF NIGERIAN TERTIARY EDUCATION: AN IMPERATIVE FOR SOCIAL JUSTICE DELIVERY

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Abstract

This paper examines the autonomy of Nigerian tertiary education: an imperative for social justice delivery. The university autonomy which means freedom granted each university to conduct its own affairs and policies without undue interference is a fundamental Right of the institution. This autonomy refers to organizational, financial, staffing, and academic independence of universities. Academic freedom means the liberty of the members of academic community to carry out their fundamental human rights in pursuit of development and transmission of knowledge through research, study, documentation, production, teaching, lecturing and writing. While the academic freedom applies to persons teaching, studying, researching and working in an institution of higher education, university autonomy applies to the institutions of higher learning. Social justice is concerned with fundamental human rights and addresses those inherent in autonomy of the institutions and academic freedom of members of academic community. The efforts made by academic communities in pursuit of social justice and demand for those fundamental rights have, more often than not, resulted in confrontation with government and one of the major reasons for series of industrial actions by Academic Staff Union of Universities (ASUU). The realization of university autonomy and academic freedom, is as it were, social justice delivered. The paper addresses these issues in the sub-headings of Concept of Autonomy, Concept of Social Justice, the impact of Social Justice on the demand for university autonomy and academic freedom.

Introduction

The autonomy of Nigerian Tertiary Education has always been debated in our institutions of higher learning. Various governments have enacted laws as legal documents for autonomy of Nigerian universities. The National Policy on Education (FRN 2014:37) considers the issues of academic freedom and autonomy as crucial for academic survival when it declares that “the internal organization and administration of each university will be left to the university.” This is only on paper as the implementation of these laws and policies has always been an age-long problem. This has affected the quality of our university education system that has been engulfed by incessant industrial actions and impeded the development that it is supposed to bring about in the society.

Concept of Autonomy

Etymologically the word autonomy is derived from two Greek words auto's - self and nomos - govern, rule. When taken together would mean to govern oneself or self rule. It refers to the ability of an individual to act and make decisions without interference or being controlled by anyone else. Contextually, it is the right of an institution of learning to be free of interference

by Government or any other external authority in its operations and affairs. For Ojo (1990) autonomy is the legal freedom afforded to each university to conduct its own affairs and policies without undue interference from outside bodies, persons, or most importantly, from government that chooses to support it.

The European University Association (EUA) outlined four dimensions of university autonomy as organizational, financial, staffing, and academic.

- Organizational covers structures and institutional governance - that is the ability to establish structures and governing bodies, university leadership and is accountable to whom.
- Staffing deals with matters concerning recruitment of staff, responsibility for terms of employment.
- Financial matters are concerned with acquiring and allocating funding, charging tuition fees, sourcing for funds from different areas, acquiring landed properties and buildings as investment and for commercial purposes and reporting procedures as accountability tools.
- Staffing would cover the capacity to recruit staff, fix salaries and issues relating to employment contracts such as civil servant status.
- Academic matters – The capacity to define the profile, to introduce or terminate degree programmes, define the structure and content of degree programmes, quality assurance of programmes, the extent of control over student admissions. (EUA's Lisbon declaration (2007)).

The European Universities Association simply defines autonomy as organizational, financial, staffing and academic independence of universities. From the foregoing, university autonomy, viewed as academic freedom, confers on the institution of higher learning, a fundamental right since it is in eyes of the law a juridical person and a denial of this right will tantamount to gross injustice.

In Nigeria, according to Okorosaye - Orubite (2022), university autonomy refers to the right of institution, not the individual professional, to govern itself, this is in line with Asbby Commission Report. This Commission (FME, 1960:31) recommends that:

A university has to be insulated from the hot and cold winds of politics. Responsibility for its management must be vested in an autonomous council. The council must include representatives of the public, but these representatives must attend as individuals and not as agents for some sectional interest or party line.

The emphasis is on being insulated from political or sectional interest hence Fernando, Hartley, Norwak and Swinalhart (1990) in Okorosaye-Orubite (2022) opined that the independence of institutions of higher education from the state and all other forces of society, to make decisions regarding its internal government, finance, administration, and to establish its policies of education, research, extension work and other related activities.

Another concept of academic freedom is the unhindered involvement of professors, lecturers and students in academic activities such as research and other creative processes that will lead to innovative discoveries which will bring about the development of the society. It must be

noted that academic freedom or university autonomy does not exempt any member of the university community from the laws of the land. Ojo quoted Nocol in Okorosaye-Orubite (2022:150) that

“academic freedom cannot be regarded as implying exemption from the laws of the land as far as libel, slander, keeping of the peace and sedition are concerned. But it added that a wise government will overlook the apparent transgressions of scholars if it is obvious that their intent is objectively critical and not malicious subversive”

While Ross (1977) defines university autonomy as the freedom of the institution to function without undue control or influence by external forces or agencies. Prof Anya's Commission (1979) defines academic freedom as the pursuit of academic truth in the institution by way of equity and even polemical controversy, the freedom of the teacher/student to investigate and discuss the problem of the subject and express his conclusions in publications and lectures, the freedom of the student to learn within his field of study in an atmosphere free from any kind of coercion. Institutional autonomy according to Obanya in Akinwumi and Olaniyan (2001) asserts that institutional autonomy on the other hand is necessary to create situation in which the managers of universities are answerable to their constituents (i.e. the academic community). It thus becomes a way of strengthening democratic management within educational institution and ensuring each institution gives free rein to the creativity of its staff and students. Akinwumi & Olaniyan remarked that there is a new policy which provides for freedom of universities to govern themselves, appoint key officers, determine the condition of service of their staff, control their student admissions and academic curricula. The universities equally control their finance and generally regulate themselves as independent entities without undue interference from the Federal Government and its agencies.

The autonomy of institutions of higher learning otherwise known as academic freedom. The Lima Declaration in Okorosaye-Orubite (2022) defines 'academic freedom' as the freedom of members of the academic community, individually or collectively, in the pursuit, development and transmission of knowledge, through research, study, documentation, production, creation, teaching, lecturing and writing. According to Fernando, Hartley, Nowaka and Swinehart in Okorosaye-Orubite (2022:150) "academic community refers to all persons teaching, studying, researching and working in an institution of higher education." Academic freedom is a fundamental right with inherent importance for the proper functioning in the institutions of higher education. This fundamental right is derived from the right to education and relates to the right of thought, opinion and expression.

In establishing the relationship between two concepts of academic freedom and autonomy, Okafor in Orubite (2022) states that when academic freedom exists, autonomy automatically follows. But autonomy cannot exist without academic freedom in the modern sense" since the former allows for freedom to decide who, what and how to teach or what research to undertake. The latter applies to members of academic community. In other words, autonomy is the institutional form of academic freedom, and a necessary precondition to guarantee the proper fulfillment of the functions with which higher educational institutions are entrusted, academic

freedom guarantees the fundamental right to members of academic community individually and collectively. It applies to human persons.

Concept of Social Justice

The concept of social Justice dates back to Ancient Greece as a process toward a fair and just society. Social justice came to be understood the way it is today as a result of industrial revolution when the level of social inequalities between rich and poor was too wide. Justice is derived from the latin *iustitia* meaning righteousness, equity, fairness. Rawls (1971) proposed a theory of Justice as fairness, a way of allowing the concepts of freedom and justice to co-exist which traditionally were understood to be incompatible. Rawls understood that justice as fairness is embodied by a society where free citizens have basic rights and freedom and interact cooperatively for the benefit of all.

In practice, social justice was concerned with economic reforms, but later it was embedded in national and international law and now the steps toward social justice have taken a more legislative shape. This is due to the fact that human rights are one of the most powerful tools in the pursuit of social justice. When human rights are recognized in law, it enables citizens to hold governments accountable if these human rights are violated. In the contemporary movements for social justice, the emphasis has been on the breaking barriers for social mobility. Institutions and organized groups are protected economically and socially. Social justice assigns rights and duties in the institutions of society, which enables people to receive the basic benefits of cooperation. This equally makes available appropriate channels in society for citizens to express their views on political matters and participate in the activities of government for the interest of the society. This participation implies the need for the tools and political will to incorporate these views into policy making to ensure fair, universal representation.

Autonomy of Tertiary Education and Social Justice

The demand for autonomy of tertiary education is a demand for social justice. As discussed above, university autonomy refers to freedom granted each university to manage its internal affairs without undue interference from outside bodies, persons and most importantly the government. This means that demand for university autonomy is demand for freedom of opinion and expression, the right to work and education and these are fundamental human rights. Everyone is entitled to these rights without discrimination. It is obligation on the government by international human rights law to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individual or groups. Social justice is all about fairness as it manifests in society. Therefore, social justice ensures human rights.

As discussed above that university autonomy is a fundamental right and social justice is all about fundamental right, therefore what is being demanded in university autonomy is social justice. The connection between social justice and autonomy emanates from the common interest in human rights. Autonomy is concerned with the right of the institution to govern itself, conduct its own affairs and policies without undue interference as it is the case with academic freedom. That is equally concerned with the fundamental right of the individual

members, so it is with social justice which upholds the fundamental human rights of all in the society.

This connection between social justice and human rights embedded in autonomy has strengthened over the years to the point where many use social justice and human rights interchangeably. Social justice addresses the human rights that university autonomy is concerned with. This connection is essential because human rights are recognized globally. When activists fight for social justice, they lean on the connection with human rights to hold governments, corporations, and individuals accountable. Social justice is built on these four pillars: Human rights, Access, Participation and Equity and these are equally the concerns in the agitations for the autonomy of tertiary education.

Nigerian Experience

Akinwumi and Olaniyan (2001) rightly observed that autonomy of university is an age-long debate especially in Nigeria higher institutions of learning. There it was noted that the degree of autonomy can also be dependent on the type of regime of government of the day and institutions concerned. The policy document for higher education in Nigeria never divorced autonomy and academic freedom. As early as September 1960, Nigeria had opted for autonomy of tertiary education. This was evident in the report of Asbby Commission on Post School Certificate and higher education in Nigeria. The Commission recommended that: A university has to be insulated from the hot and cold winds of politics. Responsibility for its management must be vested in an autonomous council. The council must include representatives of the public, but these representatives must attend as individuals and not as agents for some sectional interest or party line.

Ojo in Okorosaye-Orubite (2022) observed that the first sign university autonomy and academic freedom was being eroded surfaced at the University of Ife (now Obafemi Awolowo University) in 1964. Before then, Nigerian Universities have relative autonomy and freedom. The situation was a result of the announcement of the Pro-Chancellor and Acting Vice-Chancellor that the university is to support the government of the day, to which the university looked up for sustenance and that is the credo of the university. The statement added that any member of the staff who disagreed with the new policy shall resign. The result of this speech was the dismissal of Prof. Victor Oyenuga, the Dean, Faculty of Agriculture which led to loss of three members of the academic staff who resigned their appointment in protest over the dismissal of their colleague. This was a clear sign of anti-intellectualism (Okorosaye-Oribite, 2022).

The same happened in University of Nigeria Nsukka this year 1964 where Prof Lindsay appointment was terminated over his exercise of academic freedom through his publication "University of Nigeria – Lindsay Correspondence". In the said publication, Prof Lindsay criticized the admission of students to study Archeology when the university was not prepared. Nigeria had enacted laws that promote autonomy of tertiary education but the implementation has been the problem. The frequent infringement on the fundamental right of the tertiary education has grossly obstructed the progress.

There was huge expectation with inauguration of democratically elected government on 29th May 1999 that academic freedom and university autonomy will thrive. However the facts proved to the contrary. It took series of industrial actions for FGN to accept to negotiate with Academic Staff Union of Universities (ASUU) on serious matters related to the autonomy of institutions of higher learning otherwise known as academic freedom, problem of funding universities, conditions of service, academic freedom and autonomy. The agreement was reached between FGN and ASUU and properly signed, but FGN refused to implement. It took another six months long strike that led to the lost of a whole academic session in some universities before the FGN very reluctantly implemented partially some key aspects of the agreement. Within this period of long strike, the FGN representative or in the person of the president himself never bordered. Instead he said he was not worried because he did not know why ASSU was on strike and that they will burn out themselves because parents will send their children to private universities. In the area of university autonomy and academic freedom, president Obasanjo presumed constitutionally by submitting a bill to National Assembly known as Autonomy Bill in 2003. This was discovered to be worse than the one it seeks to repeal. This was rejected by ASSU and prayed the National Assembly to assent to their own proposal.

Conclusion

University autonomy and academic freedom is sine qua non for the development of the educational sector. Education is expected to address critical issues like dignity of labour, quality leadership, committed followership, industrial harmony, political stability, religious tolerance and national unity that can enhance development in Nigeria. It has to make reasonable marks in leading Nigeria to her scientific and technological realities. Our education should produce new and useful techniques in agriculture, and in the management of our resources. These can only be achieved when there is industrial harmony between the institutions of higher learning and government. Lack of implementation of education policies leading to strike actions that disrupt academic activities are inimical to the desired development that education should bring about. The need for academic freedom that enables the members of university community to be productive and resourceful cannot be over emphasized because these are the life wire of education system. It is important to note that no education, no matter how well designed, or how wonderful the visions are, can be attained without well equipped visionary and committed teachers. The National Policy on Education 2014 clearly states that no education system can rise above the quality of its teachers.

Recommendations

The following recommendations are made to facilitate the autonomy and the realization of social justice in Nigeria tertiary education.

- Government should adequately fund education with tax payers' money and revenue accruing from the nation's natural endowment.
- The autonomy granted to tertiary institutions should be holistic. The statutory powers of Governing council for appointment, promotion and discipline of all categories of staff should include that of vice-chancellor at the university senate.

- The Senate should be given the capacity to control the academic programmes, quality assurance of programmes and management of finance.
- The institution should control admissions of students, fix fees, make resource yielding investments and award contracts.

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