Neo-liberalism and the Subversion of Academic Freedom from within; Money, Corporate Cultures and ‘Captured’ Intellectuals in African Public Universities

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Introduction
The architecture and landscape of public university education in Africa has changed tremendously since the Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics and the Kampala Declaration on Intellectual Freedom and Social Responsibility in 1990. At the time, the threat to academic freedom and university autonomy was external, emanating from one party political system, which interfered with the governance of the institutions and constricted the space of intellectuals to organically carry out their social mandate. The threats to academic freedom were then characterized by continued state censorship of teaching and learning processes in the institutions, the collapse of infrastructures, inadequate teaching personnel and poor staff development and motivation. It was against this background that the questions of academic freedom and the responsibilities and autonomy of institutions of higher-learning were raised in the Dar es Salaam and Kampala Declarations. Any discussion to the limits or existence of academic freedom in African universities then was discussed in the context of the authoritarian one party state. Such discussion have shown how the past the political classes controlled and directed universities as national projects, used the intellectuals to legitimize their stay in power, and persecuted, both physically and in the intellectual sense those that were opposed to the state. The cohabitation of the intellectuals with the political class was analyzed in terms of the materials conditions of the academics that the political class controlled and manipulated in order to seek total compliance from the academic community.

This situation has now changed and the threats to academic freedom have changed from external, the political establishment and its functionaries, to internal, the faculty and emerging corporate governance structures, focused on generating individual and institutional financial resources through over-commercialization of tuition and privileging of applied as opposed to basic research in the institutions. Due to the advent of neo-liberalism and the economic crisis of the state in Africa, the one party state had collapsed in most countries by 1990 and given rise to multi-party democracy. Gradually, there have been trends towards university autonomy from the state and the persecution of the academics that was a feature of the one party state has subsided. In theory, university academics have more room to organize in terms of their teaching, research and social responsibility. But how are the academics articulating the emerging space and what are they doing with the academic freedom, with less direct government interference in their
operations? Three forces, both internal and external have accelerated the above changes and led to a redefinition of what academic freedom and intellectual responsibility entail. These are the increasing internationalization of higher education that has led to new players in Africa, the withdrawal of government direct involvement in the governance of the institutions that has led to some degree of institutional autonomy including the registration of academic staff unions that were not allowed during the 1990s, and the entrenchment of corporate and commercial cultures in the institutions which has led to a redefinition of the social contract between higher education and communities and the role of intellectuals in these relationships. Increasingly, academic freedom and institutional autonomy as traditionally understood have come to be narrowly defined in terms of commercial interests. While in the 1990s, the threats for academic freedom emanated from the state focused on controlling the content of academic discourse, the present threats are emanating from new institutional governance structures struggling for the distribution of income from university commercial activities with lecturers unions. This article traces these developments, showing how instead of expanding academic freedom, the neo-liberal era has constricted the space for the exercise of such, and captured the intellectuals in the institutions from the singular focus on producing socially responsive intellectual discourse to generating money. Evidence from an on-going study focusing on corporate trends in public universities in East Africa is cited to support the argument raised.

Academic Freedom and University autonomy within the neo-liberal Context in Africa

In 1990, at the time of the Dar es Salaam and Kampala declarations on academic freedom, the state in Africa, dominated by one party, cult-like personality rule, was the main culprit in the attainment of academic freedom and institutional autonomy in African universities. University academics and students then provided the most resistance to one party dictatorship in the continent and the state responded by extreme application of the stick, more often than the carrot in a strategy that was aimed at containment. All over the continent, governments controlled funding to the universities and maintained staff remuneration at a minimum to extract subservience, academics were imprisoned and exiled, and those unlucky not to get travel documents stayed jobless and had their intellectual dreams shattered. In some extreme cases, government exercised censorship of course content and classroom pedagogical processes(at the
University of Nairobi, Political Science course was changed to Government and administration towards the end of the 1980s to make it politically appealing and supposedly attenuate its radical appeal. In 1990, another feature of universities in Africa defined the degree of autonomy of autonomy they enjoyed and the exercise of academic freedom by academics. Set up as national projects at the end of colonial rule in the 1960s and 1970s, universities remained so well into the 1990s, and their role was externally defined by the state in terms ‘development’ of the new nations through the training of personnel to manage the process (Mamdani 1993). In this arrangement, African presidents remained as the chancellors of the public universities; a position that gave them unfettered leeway in terms of setting up administrative structures that served their political ends instead of serving the intellectual community. About two decades late, this situation has changed dramatically, but not substantially, due to the effects of SAPS in eroding the financial capacity of the state to continue funding the institutions and the adoption of neo-liberal market reforms in the institutions to replace the financial gap left by the state.

Beginning 1990, with the democratic elections in Namibia in March 1990 most African countries embraced competitive politics, often giving voice to opposition groups. Following the collapse of the Soviet Union and the end of the cold war, international politics that made possible the survival of dictatorial regimes in Africa had changed in favour of political democratization and economic liberalization. Between January 1990 and December 1993, twenty five African countries held competitive presidential elections. By the end of that decade, most African countries had embraced competitive elections and multiparty governments, though one will have issues on the democratic quality of the transitions. The elections were accompanied by attempts to rewrite the post-independence constitutions to embrace constitutionalism, democratic governance and respect for individual rights. The 1990s therefore became a decade of renewed hope in Africa; hope that first multiparty elections in memory foretell full-scale transition to democracy. Hope, also, that political democracy in conjunction with economic reform will produce sustainable improvements in standards of living for most Africans (Harbeson 1994). In respect to state university relations, and the enhancement of academic freedom in the institutions, the transition to multi-party competitive politics provided hope to intellectuals who had hitherto been exiled or prevented from teaching in the institutions. In countries like Kenya, intellectuals
were the vanguard of the opposition parties, and some went ahead to win parliamentary sits, giving hope to colleagues that remained in the institutions that at last, they had a voice in parliament to articulate their positions regarding the need for academic freedom and the creation of suitable spaces in the universities for the academics to discharge their social responsibilities. Other intellectuals joined the emergent civil society that was now allowed to operate more freely than it was during the one party state, from where, it was hoped, they would continue the quest for a socially responsive intellectual engagement and champion the autonomy of higher education institutions. More remarkably, the apartheid era in South Africa came to an end in 1994, and this created conditions for higher education institutions to engage more with others in the continent and redefine institutional autonomy and intellectual freedom in a manner relevant to African societies (Jensen 2004).

The wave of transitions to multi-party elections were however not internally generated transformative processes. They were triggered by the economic crisis of the state and the coming of age of the effects of SAPs African governments had been forced to implement from the earlier 1980s. The social, political and economic effects of SAPs in Africa have been well documented (Gibbon, Bangura and Ofstad 1992, Mkandawire and Olukoshi 1995). In the field of higher education, SAPs advocated for governance and funding reforms that removed direct government intervention in the management of the universities and the introduction of student fees (World Bank 1988). SAPs as defined by the World Bank and IMF viewed African universities as the sources of the African socioeconomic problems that emerged in the 1980s, as their prescribed “solutions” to African policymakers gave precedence to the funding of basic education over higher education, especially the universities (Assié-Lumumba 2004). Hence from 1990, African governments at various points tried to disengage from direct governance of higher education institutions, and forced the institutions to adopt neo-liberal reforms, including charging fees to generate operational incomes. Government responses to the changed circumstances in regard to higher education differed from country to country depending on the implications of economic globalisation for national economies and the different patterns of government involvement in the
market, the different government policies on human capital, and the different relationships between government and higher education.

In theory, the governments have let the public universities ‘free’, in the knowledge that the institutions will not put pressure for funding from the governments and that the institutions have the ‘autonomy’ to operate, narrowly implying that the universities can design own means of generating money- with a blurred line of accountability- in the sense that government is not involved in monitoring if the resources generated are used to advance the missions of the universities in a socially responsible manner. Academics in the institutions also do not have to look behind their shoulders, because of the ideological positions they hold and the content of their academic discourse. However, adoption of neo-liberal reforms in the institutions was never meant to expand the space for academic freedom nor guarantee institutional autonomy, but increasingly sabotaged the capacity of the academics to execute their social responsibilities. Entailed in the neo-liberal reforms worldwide have been trends towards privatization, untrammelled competition, the retreat from social engineering, and the proliferation of markets in higher education. Within the context of the reforms, public universities in Africa have come to be viewed by many as no more a purely public service, but as a semi-public service, with an associated cost, a social and a personal return(Guruz 2003). Like it has happened elsewhere, public resources going to public universities started to decline from the 1990s and the liberalization of higher education increased the number of private universities all over the continent. These developments had implications in the manner the concept of academic freedom and institutional autonomy began to be conceptualized from the 1990s, in most African countries. Declining resources from the government meant limitations in the amount of funds available for institutions to fund processes of academic reproduction such as research and public service while the increasing burgeoning of private universities was accompanied by the growth of a teaching force in the universities hesitant to embrace the traditional conceptualization of intellectual responsibility due to the different governance structures and diversity of the institutions.

The response of the universities and the intellectuals to the changed circumstances was almost similar throughout the continent. The responses have entailed raising tuition, in effect passing the
burden of costs to the students who now become consumers and debt-holders rather than beneficiaries of enlightenment, thus creating a higher education exclusion zone only open to those who can pay, entering into research partnerships with industry and thus courting the danger of turning the pursuit of truth into the pursuit of profits and, hiring a larger number of short-term, part-time lecturers who as members of a transient and disposable workforce are in no position to challenge the university’s practices or agitate for an academy more committed to the realization of democratic rather than monetary goals. In short, universities have embraced neo-liberalism. Besides, an increasing number of academics engage in consultancy work that promotes interests whose public worthy is contestable. These trends, related to adoption of neo-liberalism and corporate planning in the universities in Africa were not isolated observations. Rather, they were in tune with global transformations in higher education institutions to conform to the neo-liberal order that emphasized liberalization and privatization of social services. In the field of higher education, the arguments were that given the fact that it produces higher individual than social returns, it should be offered more as a private good through corporate management regimes to generate revenues instead of depending on central government financing. Hence adoption of corporate planning without rethinking on its implications to academic freedom and university autonomy was justified as a response to unavoidable forces of globalization (AAU 2004, Altbach 2004, Sawyer 2004, and World Bank 2002). This literature presents globalization as a phenomenon that higher education in Africa has to contend with, and struggle to fit into it. Accordingly, the transformations taking place in African higher education are seen as efforts by these institutions to try and catch up with the unavoidable on terms already established.

At the institutional level, as information from the public universities of East Africa show, the engagement of the management of the institutions and the academics was to try and fit into the emerging neo-liberal logic, and little or no energies were expended in defining how neo-liberalism affected the autonomy and mission of the institutions. Three related developments have marked the trends towards greater privatization and commercialization of academic programmes and other university activities. First have been re-organization of university activities and redefinition of their missions and visions to reflect corporate identities. The University of Dar es Salaam spearheaded these trends through the development of a Corporate Strategic Plan, first formulated in 1992-4 (UDSM 1994), and later reviewed in 2003 and the
University’s 5-year strategic plans aimed at facilitating the UDSM to operate in the 21st century with a clear vision of its present and future role in a fast changing world. Part of the focus of the corporate plan has been to address the issue of ownership, autonomy and legal status of the university. Debates have been going on at the university on whether it should retain its status as a public institution or legally establish itself as a non-profit making institution with a company status. Prevailing thinking are that the university should remain a public institution with more autonomy and guided by the principle of reciprocal partnerships with all stakeholders. The other has been to encourage privatization and out-sourcing of university back-up services and administration to avoid an undue expansion of its workforce. Makerere University followed in 1996, with its first strategic plan (1996–2000) focusing on ways to promote the culture of enterprise and adjust its administrative design to enhance the innovative process. The admission of private students, which started in a tentative way, was followed by initiatives such as the introduction of the semester system and an updated curriculum to make courses more marketable.

Kenyan public universities did not embrace corporate strategic planning and internal reorganization of governance structures until after the end of the decade. The University of Nairobi produced its first strategic plan in 2005, covering 2005-2010. The plan has since been revised and recast to run from 2008-2013. Kenyatta University produced its first and only existing plan in 2005, to run from 2005-2015. However, regardless of the period, all the universities focused on building an entrepreneurial and commercial culture as a strategy to raise income and admission of ‘private’ students as a singular source of raising such revenues through the payment of ‘market rate’ tuition fees. And to achieve this, the institutions had to refocus from offering academic programmes that were ‘socially relevant’ to those that were ‘marketable’. The focus of the quest for institutional autonomy changed from creation of a space to carry out their mandates objectively without undue bending to partisan interests, to the quest for autonomy that allowed university management to generate money and spend it with little oversight, and this has included the right for management to set tuition fees and other operational guidelines guided by the forces of ‘demand and supply’. All these have been accomplished
through the active participation and support of the academics in the institutions, such that if there has been any defilement in the manner the academics interpret and discharge their social responsibilities (like the details at Makerere University as provided by Mamdani 2007), then the treat for academic freedom becomes the academics themselves who have been captured to serve and deepen the neo-liberal logic in the institutions.

The second development has been the revision of the statutes and Acts that set up the universities in the 1970s as national projects, to new ones that reflect their new corporate identities especially as regards governance and management. As already indicated the Acts that set up the universities as national projects gave leeway to too much interference from government on the operations of the universities and limited the autonomy the institutions had to carry their mandate. This relationship was tied to the fact that governments fully funded public universities. The fact that universities now were generating more money while government subventions were receding required new governance structures reflecting the new corporate identities of the institutions. Under government regimes the management of the universities was seen inefficient, with too much government control which stunted administrative creativity and innovation in looking for extra resources to run the institutions. In the section on higher education, a World Bank document that was the prelude to the prescription of SAPs in the education sector, poor management was cited as a source of the inefficient use of resources in African higher education, thus contributing to poor quality (World Bank, 1988). This was more manifested in the failure to make maximum use of teaching personnel and physical resources and functionally in the sense that higher education institutions in Sub-Saharan Africa were overwhelmingly public in ownership and operational control. In other studies, the management situation in the institutions was described as one that needed to reconcile the issues of autonomy and accountability, as the concern with efficiency and academic audits conflicted with the traditional perceptions of autonomy (Patel, 1998). The kind of autonomy existing in the institutions was exercised not in committees, but in agitations of the most disorderly kind without any restraint in canvassing for the most indefensible forms of self-aggrandizement (Patel, 1998:51). University management, it was observed, was dominated by too much governmental interference, rampant student activism
and indifference of or inappropriate interference by lay governors whose interests were anything but educational (Patel, 1998:55).

In the east Africa context, Makerere University became the first to revise its Act. The government, in 2001 passed the Universities and Other Tertiary Institutions Act. The Act, though still far from being comprehensive and flexible, defines tertiary education and increases institutional autonomy. In terms of governance and institutional autonomy or academic freedom the 2001 Act gives universities the freedom to determine internal structure, manage enrolment and course contents (curriculum), hire and fire academic staff, set tuition and fees, borrow and spend funds (Liang 2004). The 2001 Act also removes the president of the country from the chancellorship of public universities. Instead the Universities and Other Tertiary Institutions Act details the governance structure for public universities whereby the governing structure is comprised of the university council (executive body), the university senate (academic authority), and other academic bodies. These bodies are supported by numerous officers, such as the chancellor, vice-chancellor, the university secretary, and the deans and heads of departments. The president, on the recommendation of the university council, appoints the chancellor for each public university, and in turn the appointed chancellor, on the recommendation of the university council, will name his or her vice-chancellor from among three candidates recommended by the senate (Liang 2004). In theory the 2001 Act removed government direct participation in the governance of the day to day affairs of the institutions as well as in the direct participation of administrative officers of the university.

In Dar es Salaam, the 1991 institutional development programme and the first 1994 corporate strategic plan earmarked the revision of the 1970 university Act, as part of the strategic objectives to be achieved in the plan period. The universities 2005 Act, provides for the public universities to be headed by a chancellor appointed by the respective President from among a list of three candidates proposed by the Council of a public university upon the recommendation of search committees. The Act also provides for the appointment of Vice Chancellor by the Chancellor upon the advice of the Council and the appointment of Deputy Vice-Chancellors by the Chancellor, on the advice of the Council. Finally, section 44(3) of the new Act provides for
the Chairman of the Council or the Governing Board of a public University to be appointed by the President on the advice of the Minister from among three candidates proposed by the Tanzanian Commission of Universities on the basis of procedures involving public advertisement and interviews for the post. The Act goes to the extent of spelling out procedures for constitution and membership of university senates and their functions (Tanzania, Universities Act 2005). Like in the case of Makerere, the new Act for public universities is aimed at enhancing institutional autonomy and promoting internal democracy in the governance of the institutions. However, there has been resistance from the academic staff union (UDASA) that the process of preparing the Act was not all inclusive. The union points out that the preparation process of the new Act and Charter had not been democratic since it did not involve fully the members of the University community (University of Dar es Salaam, UDASA public statement on the new 2005 Act and the proposed university charter, 12th April 2006).

In the case of Kenya, governance and management reforms have been limited. Each of the public universities still operates under different Acts of parliament, all the Acts being a template of the 1970 University of Nairobi Act, and therefore, similar in terms of the structure, organization, governance mechanisms, financial provisions and ancillary statutes they prescribe for the institutions. In 2003, the president of the Republic delegated the role of chancellor for each of the public universities to his appointees and therefore the direct intervention of the president in the daily management of the institutions was limited. It should be noted however that this delegation is not backed by any legal framework that specifies the duties of the chancellors. Apart from the Chancellor, the universities also have university councils led by chairmen of council whose role is supervisory in nature. Council members are still appointed by the president through the recommendation of the Minister for higher education. Apart from this, the Senates of the universities are in charge of policy issues and rules. Vice-chancellors and their deputies are through competitive recruitment unlike in the past when they were appointed by the president. Other reforms have been instituted to enhance the autonomy of the institutions by ensuring that public universities are de facto in charge of steering their institutions with very little interference from the government. However, lack of a clear legal backing for the reforms means that the appointment and role of the Chancellors of public universities as well as of other
Senior Managers – Deans, Chairmen of departments, and Principals means that the culture of transparent accountability and autonomy has not taken root.

Third, is the fact that unlike the situation at the beginnings of the 1990s, staff and student unions in most African universities are now accommodated and tolerated as the legal representatives of staff. In the case of Dar es Salaam and Makerere, UDASA and MUSA always existed through the period of university crisis and transformation. The unions however have had to seek for more accommodation and representation in university governance structures. In the case of Kenya, it took a new government coming to power in 2002 and another staff strike for the University’s academic staff union (UASU) to be registered in 2003. Even then accommodation of the union in the universities’ management has not been even with most disputes between union and management settled in court. The emergence of trade unions in universities has had far reaching implications in the management of public universities. University Acts will however need to be amended to incorporate recognition of staff unions. UASU has argued for representation in the University Council and Senate; the Pension Committee; Health Insurance Committee; Appointment and Promotion Committee as well as in any other ad hoc committee involving the welfare and discipline of academic staff.

From the foregoing background, it would seem that conditions for the exercise of academic freedom and university autonomy have been attained in most institutions. Government direct intervention in university management has been minimized and university autonomy sustained. In countries like Kenya and Uganda, public universities have adopted entrepreneurial norms and generating higher revenues than they had when they depended on financing from the exchequer. In theory, this will mean availability of funds for academics to engage in projects that foster the institutions’ social responsibility, or corporate social responsibility given the deepening of corporate cultures in the institutions. Most academics who in the 1980s and 1990s were victims of political persecution due to their agitation for academic are now in government or in the expanding civil society associations and one will expect, that with such networks the realization of academic freedom and institutional autonomy will be easily realized. The accommodation of staff unions, one can argue, should lead to a higher degree of professional engagement from the
academic community and a more responsive attitude the communities that they serve. These issues are important to contemplate because of increasing feeling creeping in that since the institutions are increasingly relying on private funds, they are limited in the degree they account to the public for their autonomy. It also brings into question the kind of academic cultures developing in the institutions, with tension building between those that a greater public interest in the institutions and those leaning towards privatization and individualism as the new face of the exercise of academic freedom.

In the next sections, I reflect on how these developments have changed institutional governance cultures and the degree of autonomy the institutions enjoy and the behaviour of academics in respect to the exercise of academic freedom and social responsibility.

**From the authoritarian state to authoritarian University Governance Organs**

The concept of governance in respect to universities refers to the legislative authority vested on management organs of the university to make decisions about fundamental policies and practices in several critical areas related to the university’s mission and mandate. These will entail decisions that promote university autonomy and academic freedom as these are seen as key to the academic and research functions of universities. University governance structures also regulate issues such as access policies, university development and expansion policies, and access of the public to other auxiliary services on offer. Other issues of concern include degree requirements; standards expected in student performance, the quality of research and public service activities, the freedom available to individual faculty members in their instructional and research efforts, the appointment and promotion of staff, internal organizational structure, and the allocation of available resources to operating and support programmes.

How are the universities using their new autonomy to evolve more accommodative university governance organs that enhance academic freedom? I shall not dwell here with the positive accomplishments in the institutions in respect to academic freedom and university autonomy. Ideally, much has been achieved as a consequence of government withdrawal in the daily
running of the institutions. More critical has been changes that have removed country presidents from the chancellorship of the universities.

Despite the positive accomplishments, academic staff in the public universities of Dar es Salaam, Makerere and Nairobi, felt that university management and the general governance culture in the institutions has become more autocratic than it was during the era of government intervention. Feelings that the new university management has become aloof and created new zones of conflict are rife in the institutions. In Kenya, a cultural divide between management and staff is taking root, and feelings of ‘us versus them’ are commonplace, despite the fact that university management (Vice-chancellor and deputies are also academics). In Kenya, Public universities operate within the State Corporations Act, besides the individual universities Act. The recommended salary scales of Vice-Chancellors of public universities, who operate within the framework of the Corporations Act, are higher than those of professors and this has generated a simmering disquiet among staff, since the prevailing salary ratios between the Vice-Chancellor and the other staff has been severely distorted. These feelings have been fortified by the fact that vice-chancellors and deputies of the public universities have a different salary structure from those of the other academic staff and this state of affairs has the direct sanction of government. At Makerere University, it could seem that management (vice-chancellor and deputies) classify themselves as administration for purposes government remuneration and as academic when it comes to negotiating for compensation from internally generated revenues, a situation that has often caused tension between academic staff, management and support staff. A memorandum from the administrative and support staff union captures this situation thus; ‘

The Universities and Tertiary institutions Act 2001 spells out three categories of staff in a Public University to be Academic, Administrative and Support staff. In light of this, MUASA needs to clearly interpret the University and Tertiary Institutions Act 2001 . Top Officers of the University are not part of Administrative Staff by categorization. MUASA knows that the University Top Executive (Vice Chancellor and the Deputy Vice Chancellors) is the Top Executive of the University Senate and above all elected by the academic body (Senate) not administrative staff nor Support staff. Therefore, referring to them as Administrative staff by MUASA is unfair to us avoiding seeing the truth (memorandum from Makerere University administrative staff association to University council regarding staff remuneration, 10th April 2008).
The other point of contention has to do with the composition of university senates and councils. Academic staff unions feel that there is still too much government patronage in the manner the governance institutions are constituted, and that even within the institutions, university councils and vice-chancellors are building their networks of patronage in a way that that is an abuse to university autonomy and the execution of a socially responsive academic work. For example, with all the institutions, and despite the revision of university Acts, appointment of university chancellors and vice-chancellors is still a presidential responsibility. Tying the Chancellorship to the President directly or indirectly through nomination presents bureaucratic processes. In terms of composition of the university council, it would seem that ultimately a high number are political appointments or have some affiliation to the political system, thus deepening political patronage in the manner university affairs are transacted. For example in Dar es Salaam, the revised Act specifies that constitution of university council should be composed of members both from outside (not more than 80%) and from within the University (not more than 20%). In total, at least one third of the members must be female. The Council thus incorporates greater participation from within the University in decision-making and greater female participation than used to be the case (University of Dar es Salaam Act 2005). In the case of Makerere the amended 2006, ‘universities and other Tertiary institutions Act gives more powers to the National Council for Higher education(NCHE),more powers to regulate institutions, though NCHE is under-funded and its capacity to initiate an alternative governance structure for public universities, including Makerere, limited. The Act still places the Higher Education Department within the Ministry of Education and Sports, whereby still giving the Minister of higher education enormous powers in directing governance issues at the university (Liang 2004). In Kenya, constitution of public university councils is still largely controlled by the Minister for Higher education. And university management seem to be rushing back to politics to influence settlement of disputes, like the case of Makerere University and Makerere Business School, presidential intervention had to be sought to settle the dispute between the two with regard to the autonomous existence of Makerere University Business School (Mamdani 2007, 209-210).
Consequently what institutions have as councils are fairly blotted bureaucracies, representing different interests; universities, government, new university financiers that even control the academic direction of universities, thus eroding the very essence of university autonomy. The university Acts specify government representation from certain ministries. In a sense therefore, the government never left the institutions, but acts through proxies. The presence of the Government is too heavy on the Council and its committees. Much value however is not added in this as in the case of Ministerial representation it is not the Permanent Secretary who attends but representatives who will need to consult before taking a position. This heavy presence of the Government erodes the statutory autonomy of the University and tends to make the University appear like it is still an appendage of the government. Besides, since the identification of prospective members to the various governing bodies of public universities is currently done through Ministries of education, such a process encourages political patronage, favouritism, lobbying and thus compromise their transparency and accountability.

<table>
<thead>
<tr>
<th>Represented Group</th>
<th>Nairobi</th>
<th>Kenyatta</th>
<th>Dar es Salaam</th>
<th>Makerere</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chancellor/Presidential Appointments</td>
<td>3</td>
<td>3</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>University Administration</td>
<td>9</td>
<td>4</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Government Representatives</td>
<td>10</td>
<td>10</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Senate</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>6</td>
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<tr>
<td>Academic Staff Union</td>
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<td>Non-teaching administrative Staff</td>
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<td>Students Union</td>
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<td>Alumni/Convocation</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Co-opted Members</td>
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<td>1</td>
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<td><strong>29</strong></td>
<td><strong>30</strong></td>
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Source: Oanda, Ishumi and Kaahwa (on-going)

Another area of concern has been in the constitution of University senates. Institutions operate different systems that try to strike a balance between representatives of the university administration (management), representatives of academic staff and the student councils.
Privatization of public universities all over the continent and commercialization of their activities has resulted in a situation where university senates have become fairly large, negating the principle of corporate governance that advocates for a lean management team, and dominance by appointees of the vice-chancellors. Three developments have contributed to this trend. First has been the imperative to create so many academic programmes focused on generating money, some of which overlap. Given the increasing number of students, universities have had to open campuses all over, (like the town campus phenomena in Kenya), and the heads of this campuses and programmes appointed by the vice-chancellors automatically become members of senate. The second has been the creation of other administrative organs within the institutions to be in-charge of the increasing number of academic programmes and university functions. Again there is too much duplication here, some intentionally done to build patronage networks for university management. One university covered in this study had two different directorates for Gender mainstreaming and gender studies. Three directorates exist for quality assurance, management of quality systems and academic audit, when in all practical value; the three should constitute one directorate of quality assurance. Third, has been a trend where due to the rapid expansion, some schools and departments do not have academic staff at the level qualified to stand for elections where this is provided for the holder of these officers. In such circumstances, vice-chancellors take the liberty to appoint members who may not be academically qualified for election but who become members of senate. This trend has resulted to a scenario where the non-elected members of university senates easily outnumber the elected ones, and given the circumstances of their appointment, they are used to fortify vice-chancellors positions in any contested issues. This becomes a source of conflict, and has increased the perception of academics that the institutions have become more autocratic, with increased institutional autonomy. In terms of academic responsibility, a situation is emerging where professors are removed from core academic activities to act as directors of the various income generating units, a situation that appeals to the financial health of the individual concerned, but bad for the academic growth of the institutions.

Some of the appointments have gone against tradition, and positions that are supposed to be occupied by the professoriate to provide academic leadership have ended up being held by Tutorial Fellows 'when suitable professorial candidates cannot be found'. In such cases
Departments have argued that they are recruiting such Tutorial fellows to teach since they could not raise Professors to fill up those positions. It must be obvious that a Tutorial Fellow or any other academic member of staff at the level below Professor could never contribute to academic leadership in a Department at the level expected of Professor. The cheapening of the role of Professor by the Universities for entrepreneurial expediency over the years is one major factor responsible for the academic decline of the University and lack of capacity for the institutional to address their social responsibilities. Today, it is common to find teaching departments without a single PhD holder in the Universities, leaving junior lecturers to grope in the dark as to what research they ought to be doing. This is because there is no coordinated way of directing research at the University through the Departmental structure. Because research output has so drastically declined, and because in the University without research no meaningful teaching can take place, the quality of teaching has tremendously suffered in the University. One other way, besides teaching through which academic responsibility of the intellectuals is exercised is through conducting research that responds to the needs of the communities. This aspect does not seem to be addressed adequately neither by the autonomous universities or the academic unions. Even when there have been attempts at undertaking research, the intellectual agenda is increasingly being defined by bodies outside the university who are able to fund such undertakings, with universities devoting less than 5% of the resources they generate to research (Oanda, Ishumi and Kaahwa (on-going).

University autonomy was fought for in the past as a prerequisite to improve governance and the quality of academic programmes. Institutions that have a higher degree of autonomy have a leeway to determine their goals and programmes and decide how best to achieve the academic objectives of the institutions. This autonomy is however not absolute and institutions are supposed to account to the public that the manner in which they operate fosters greater public good. Despite the various interpretations of what may constitute the public good within the neo-liberal thinking, there seem to be some general convergence, and as Samuelson (1954) argued that public goods are those that are non-rivalrous and/or non-excludable. Implied here is that university autonomy should be directed to the production of such goods. According to Samuelson, goods are non-rivalrous when they can be consumed by any number of people.
without being depleted, for example knowledge of a mathematical theorem. They are non-excludable when the benefits cannot be confined to individual buyers, such as research findings distributed in the public domain. The fact that scholarship and research are themselves largely public goods does not prevent them from being appropriated by private economic interests. Research and academic publication are widely utilised in industry and business as well as the professions and government. The problem with the institutions now is that they are using the ‘new autonomy’ and the ‘market’ without defining how good to the public their operations are. For example, universities have justified their expansion as a response to public pressure to increase access to higher education. But it is clear that the basic motivation of the universities is to generate money, and the increasingly number of students being let in are those that are able to pay. This of course creates a public higher education system that is only open to a few, and that eventually creates social inequalities, such use of university autonomy cannot be justified as a addressing a public good.

University expansion has also taken place in a context where the quality of academic processes or research undertaken is increasingly under question. Again university management have taken their ‘new autonomy’ as license to operate without accountability. Within the public universities of East Africa, only the University of Dar es Salaam has made itself open to external scrutiny by carrying out periodic academic audits, labour market surveys and internal self-assessments (Oanda, Ishumi and Kaahwa, on-going). Makerere university utilizes government visitation committees that are limited in the extent they can ask the university to account for the quality of its academic processes. And in Kenya, the universities operate under old Acts, and a new legal framework to reflect current trends in not in place yet. Any amendments to the Acts in order to provide for new provisions in delivery systems and developments in higher education require Parliamentary approvals which are time consuming. Because of their self-accreditation status, public universities usually respond to market demands leading to the establishment of new academic programmes without appropriate quality assurance provisions such as qualified staff and equipment. They have used the current Acts to insulate themselves from external quality assurance requirements (Oanda, Ishumi and Kaahwa, on-going).
Lastly is the nature of relationship between the new university governance structures and the political establishment. It has already been pointed out that despite the ‘new autonomy’, the constitution of university governance systems still draws influence from political systems of patronage. Two other instances from my own observation illustrate that some intolerance to teaching, censorship and militarization of the institutions to enforce management wishes may still be rife in the institutions. First, in Kenya, after the post-election violence of 2008, management of some universities advised lecturers not to teach certain courses and topics, especially in history that could necessitate a discussion of politics, democracy and ethnicity in any context, as a strategy to calm the student community from the outcomes of the elections. Since then university management has made claims about lecturers who do not teach content as contained in the textbooks but give examples that are political and might incite students. This to me points to a situation where university management wants to control classroom processes and ensure lecturers do not link their teaching to the conditions of communities that students come from. Of course, and this may be prevalent in most public universities in the continent that are corporatizing, one finds it difficult to teach without reference to the social composition of students that is now determined by money, or to explain why a whole cohort of students cannot sit their end of semester examinations because of failure to complete fees, or why students who scored lower grades in secondary school university qualifying examinations end up accessing better academic courses than those who scored better grades. These are the issues that university management wish academics were rather mute about, but they constitute the core of the academic’s freedom and social responsibility. They magnify the total implications that neo-liberal reforms and the quest for money and profits are having on higher education institutions.

The other issue relates to the militarization of campuses to enforce management wishes. The use of the police to intimidate students and academics was commonplace during the one party state in most African universities. Under the ‘new autonomy’ evidence from Kenyan universities indicates an increasing culture of setting up police units within the universities camouflaged as campus security. At one of the universities, police shooting of students without any questionable provocation has led to the killing of students in two separate incidents. Students confirm of the existence of a network of spies set by management to monitor the activities of fellow student and
staff. The lecturers strike in Kenyan public universities called in November 2003 to agitate for better salaries was met with covert police sabotage operating in the campuses. Some overtly harassed union officials in a manner reminiscent of the days of the one party state. How then does one explain the use of police and the militarization of the campuses in the context of the ‘new institutional autonomies’?

In their work on ‘Liberalization and Oppression; the Politics of Structural Adjustment’, Mkandawire and Olukoshi (1995) aver that contrary to the assertion that neo-liberal adjustment policies in Africa would encourage democratization, the experience of most countries in Africa were that more authoritarian rule not democracy flourished. This is because some of the adjustment reforms entailed socially disruptive outcomes, that for their enforcement, governments needed to be more authoritarian. This fact may have been lost to university academics who from the 1990s celebrated the receding of the state and the registration of staff unions as the end of non-participatory and authoritarian governance structures in the instructions. True, the embracement of neo-liberal market reforms required a re-organization of university management where governments would not directly participate in the governance of the institutions, and where university management can generate and spend money without total government oversight. The legislation of staff unions would be a tokenist gesture, limiting their activities to negotiating remuneration packages for their members, but not going far enough to ensure conditions for academics to engage organically in research and community service. In all the public universities of east Africa, staff unions have been engaged in negotiating staff allowances for their members and extra payments from ‘privately sponsored students’ (Oanda, Ishumi and Kaahwa, on-going). As this goes on, university management have changed academics’ terms of service, increased workload with a singular focus on teaching, not research, redefined academic research undertaking to mean research that brings money to the institutions not knowledge, and reduced budgets meant to improve academic working conditions. To the academics, the circumstances are true to the proverbial saying about getting from the frying pan to the fire. And as Giroux would frame it, the academic staff unions once legalized have been accomplishes in the liberal takeover of public higher education in the interest of the market (Apple 1993).
Perverted Notion of Academic Freedom and the Nature of intellectual engagements

If university governance structures and management have turned out to be as authoritarian as the one party state, how have academics defined their autonomy in regard to their roles as intellectuals and researchers in the institutions? One way of examining this is in the manner academics have taken up their roles to structure governance structures, their academic engagements, and how responsive they are to the needs of their students.

Again, taking examples from east Africa there is mixed signals on the extent the academics are ready to exercise their rights in shaping the governance structures in the institutions. In Kenya, after decades of struggling for the right to form and belong to an academic union, only 65% of the academics nationally have signed up as members through regular prescriptions (personal communication with UASU, Deputy Secretary General). The fact that some members are not ready to join the union has been used by university management to portray the union as representing partisan views. In some union chapters, academics have distanced themselves from the activities of the union when this seem to conflict with their allegiance to university management. I have besides, discussed above the fact that expansion of university academic programmes has given university vice-chancellors to appoint a high number of academics to university senates and other administrative organs, with the result that such academics feel more inclined to management compared to the activities of the staff union. The net effect is that the nascent unions are weak in terms of numbers and the financial outlays they have to coordinate their activities.

More importantly has been the issue of academics participation in putting in place management structures in the institutions. With the adoption of competitive hiring of vice-chancellors and deputies, university academic staff has been allowed to participate in electing other academics officers in most of the institutions. At the University of Dar es Salaam, the appointment of a vice-chancellor is even made more participatory. In order to deepen the culture of democratic
governance in the institution, a combination of strategies is used in the appointment of the university Vice-chancellor. The University Council appoints a search committee of senior officials (academics and any others) to identify and establish contact with likely candidates. Advertisement/announcement is made inviting applicants (fulfilling given criteria, e.g. of rank of associate professor and above). The government takes interest in this process as a key stakeholder and financial supporter of the University as a public (Government-owned) institution. However, it does not intervene in the search processes. At faculty/unit level, staff elects the heads of their units besides on outlined criteria. Until 1997, Deans, Directors and Heads of departments were appointed through elections. A critical review of procedures for appointment of these officers by the university found the system wanting and open to abuse. Academic staff tended to gang around partisan interests and vote in candidates who were least qualified academically. Hence, the university in 1997 decided to do away with the system of elections as the basis of appointment and decided to revert back to the system provided for in the University Act of 1970. The Act requires the chief administrative officer of the university to use unspecified means of recommending up to three to senate and council for nomination. The fourth annual consultative meeting of the university institutional Transformation Programme noted that ‘appointment of the best university managers cannot be achieved through popular elections alone’. Rather, it recommended for a system where those appointed should first be shortlisted by a search committee and that Deanship and Directorship should be given only to Associate professors and full professors (UDSM 2005:27). This was a case, where one feels academics failed to responsibly exercise their autonomy.

A similar situation obtains at Makerere University where, after the academics were allowed to elect their deans and heads of departments, they increasingly made choices based on ethnic and monetary considerations (Kiganda 2009). Hence the feelings at Makerere are that such governance autonomy has been abused, and the academic community has once more lost an opportunity to demonstrate their commitment to responsibility in the execution of their social mandate without government. To correct this, there is increasing voices and forces that are demanding a return to the past governance system that was characterized by government stiffer regulation. For example, there are demands from the academic community for a return to the
system of appointing various levels of university administrators as opposed to democratic elections as this system has been abused. The government has also demonstrated its willingness to return back in overseeing the governance of the university. A report by the government Visitation Committee to the university (Government White Paper on the Visitation Committee Report, 2008) has recommended a re-centralization of financial controls, to be vested in Council. Government is also gradually pruning Council’s autonomy. For example, the 2001 Act has been amended to empower the Minister of Education to make some pronouncements on university policy matters, formerly an exclusive function of Council. All these are clear testimony that increased autonomy in the governance of the university is sometimes subverted by the very intellectual community that is supposed to safeguard it. The challenge here is the mixing of the autonomy of the institution to generate money to engagement in all sorts of commercial pursuits that may not be related to academics, and the traditional autonomy of the academic community to engage in teaching and research, while funding is generated elsewhere. The increasing number of stakeholders who intervene in university governance by virtue of providing funding adds to this state of confusion. In both Makerere and Dar es Salaam, academic staff is resorting to appointed representatives as they cannot exercise the democratic right to elect based on principles that respect the tenets of academic freedom and social responsibility of the academic fraternity. Making choices based on parochial ethnic or monetary considerations cannot be justified to be socially responsive.

How are the academics utilizing the new spaces to engage more qualitatively and meaningfully with their students? Studies have documented the emergence of various dichotomies of academics emerging in the corporatizing universities (Oanda, Fatuma and Wesonga 2008). There are those who have specialized in teaching and more teaching as a strategy of making money from the private and part time students, to the exclusion of other core mandates like research and community service. Others have built strong ties to university administrators and are constantly engaged in administrative work, in total exclusion of teaching and research. A few engage in some teaching, research and consultancy, while others moved out of the institutions for full time consultancy, and their work is not organically linked in any way with academic responsibility. Within these dichotomies is emerging evidence of unprofessional conduct by the academics.
Those who are into teaching and more teaching are doing do in a manner that is not transformative at all, literally confusing reading of ‘yellow’ lecture notes to students to teaching. At Makerere the 2008 government visitation committee raised issues regarding the quality of teaching and the conduct of examinations. The Committee noted with concern the delays in processing academic transcripts and certificates and the low completion rates at postgraduate level in some faculties especially the humanities Arts and Social Sciences, where students spend close to four years before graduating even after they have submitted their dissertations.

In Kenya, a report of a government appointed public universities inspection indicated the academics in similar unprofessional behaviour like the Makerere Visitation committee. The Report documents cases indicating the teaching of the private students was in context of perceived lack of transparency, accountability and equity in the management and administration. Increase in student numbers without a proportionate increase in staff has resulted to staff being over worked and left with hardly any time to engage in any meaningful training, attend seminars/conferences or participate in any other professional and skills improvement activities. High Student Staff Ratios (SSRs) place more demands on the teaching expertise and staff time. Hence, there has been increased concern about the quality of teaching, including the ability to use the new technology (ICT), teacher assessment and development and about how to create appropriate incentive structures for higher performance (Kenya, Public Universities inspection Board Report, 2006). The Report also documents cases of irresponsible behaviour and work patterns on the side of lecturers. These included instances where some lecturers use outdated notes (yellow notes), lost and unmarked examination scripts thereby compromising examination credibility, sexual harassment of students, lateness and absence from duty. In other instances, academics have contributed to the proliferation of vocational and duplicated academic programmes in the institutions either to increase their earnings or justify being a director of a programme one has introduced, a development that has academics engaged more in building academic kingdoms as opposed to academic disciplines.

So how is it that academics that spent decades fighting for staff unionization in the institutions find it difficult to be true to the tenets of academic freedom once the opportunity to exercise it
has been provided? These Acts constitute instances where the academics commit academic fraud and are a consequence of a blind adoption of neo-liberal market reforms in the institutions.

**Conclusion**
The quest for academic freedom and the space for academics to exercise social responsibility may largely be stuck where it was in the 1990s. The silence from the academic community does not entirely imply that the academic freedom in the institutions has been realized, especially with the legalization of staff unions and receding of governments from direct university governance. New challenges have emerged. The new university governance institutions, like the state before have to apply autocratic means to have neo-liberal reforms implemented in the institutions. In the court of university management, university autonomy means space to generate money and operate the institutions in like business corporations. To the academics the end, earning more money from teaching, justifies their existence in the institutions and the means that they use to get the money. In this scenario neither university management nor the academics is socially accountable to the public good within the meaning of the ‘1990 Declaration of academic Freedom and the Social Responsibility of the intellectual’ documents.

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