

## The Search for University Autonomy in Nigeria

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### **Abstract**

*The paper examines the continuous search for autonomy of universities in Nigeria. It looks into the background to, and the provisions of, the Universities (Miscellaneous Provisions) (Amendment) Act 2003 Act and its implications for the autonomy of the institutions. Although the Act is an improvement over the Universities (Miscellaneous Provisions) Act No 11 of 1993, full autonomy is yet to be guaranteed for the universities. Even under the present democratic dispensation, instances of disregard for university autonomy by the government still abound in some universities. The Act does not spell out the roles of agencies like the Joint Admissions and Matriculations Board (JAMB) and National Universities Commission (NUC) in university governance and has also not addressed the issue of funding which, over the years, has constituted an impediment in the quest for a sustainable autonomy and quality assurance for universities in Nigeria. The study submits that, as the search for full autonomy for Nigerian universities continues, the stability of the system can only be guaranteed if federal and state governments adhere strictly to the principles of rule of law.*

**Keywords:** Search; University; Autonomy; Act; Nigeria.

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### **Introduction**

It is generally agreed by university administrators, the government and the society at large that a university can best serve the needs of the society when the system is allowed to operate according to its intellectual dictates. Engwall (2007) contends that modern universities are not only established for the delivery of teaching and learning in a wide range of areas and subjects and doing research, but are also collaborating in research and development with different organisations outside the university. According to him, the universities are also expected to provide a plethora of different services in the 'knowledge' and social service universe. Indeed, universities are created for the pursuit of truth through freedom; the freedom of the mind.

It could be argued also that universities need to be autonomous to enable them carry out their obligations to their clients: students, parents and society at large. Consequently, the clamour for university autonomy has been on for decades across the globe. According to the Association of Universities and Colleges of Canada (AUCC) (2008), the struggle stems from the fact that institutional autonomy is vital to the ability of universities to play the roles expected of them in a society: ensuring high quality education to as many academically qualified individuals as possible; conducting scholarship and research at the highest possible standards of excellence within the constraints of the research available to them; and serving their communities. In addition, through the core activities that characterise every university - teaching, research and community service - universities have a major impact on economic competitiveness and productivity, social and cultural development, and overall quality of life of every country.

The German sociologist, Rudolf Stichweh, suggests that the concept of institutional autonomy should include the following properties and dimensions:

- the right and competence to make independent decisions on the limits of institutional commitment;
- the right to endorse specific value systems and define capital career

- the right to independently decide on institutional principles and forms of internal governance;
- the ability to control the criteria of institutional access, at the level of both students and academic staff;
- the right to define strategic tasks and set institutional aims;
- the possibility to identify and determine the formal and informal relations and links to other sectors of society; and
- the duty to assume full responsibility for decisions taken and the possible external effects of these decisions; in short, to be accountable (quoted by Nybom, 2008).

However, all over the world, government interventions in the autonomy of universities have been threatening the ability of the universities to accomplish their core mission. For instance, the AUCC (2008) reported that in the last few years, there have been increasing reports of perceived or threatened government interventions in matters of internal university governance and administration in Canada. Indeed, there were public allegations that the governments of Newfoundland and Labrador have intervened in a university presidential selection process. It also reported that in most European higher education systems, the individual university lacks the necessary internally-controlled resources for efficient long-range strategic planning and action. Thus they are running an actual risk of being even more pre-occupied with daily chores than ever before. In addition, a more officially pronounced right to directly interfere in the internal affairs of the university has also been transferred to different stakeholders and to a vaguely defined society at large (Nybom, 2008).

A follow up study published on 29 November, 2009 by the European Universities Association (EUA), which covered 33 European countries, reported that universities in Europe still lack genuine autonomy. Though many governments, the university sector and indeed the European Union have recognised that increased autonomy for universities will be a crucial step towards modernising universities in the 21<sup>st</sup> century, the reports highlight that in practice, public authorities still play too central a role in the regulations of the higher education system, and, in a large number of countries, still exert direct control. The universities generally still lack autonomy in many crucial areas. The report concludes that, while there is

broad agreement among stakeholders on the importance of university autonomy, there has been much less success in transforming this from rhetorics into reality.

The concern of this paper is to take a cursory look at the continued search for university autonomy in Nigeria. This is being done with a view to suggesting ways for improving governance of universities in the country.

### **Autonomy and the Nigerian University System**

The profile of university education in Nigeria cannot be totally separated from the political development of the country. In 1948, the colonial government established the University College, Ibadan, as an affiliate of the University of London. Degrees awarded during the period were those of the University of London. Following the recommendations of the Ashby Commission in 1959, the civilian government of post-colonial Nigeria established the University of Lagos in 1962. Earlier, in 1960, the Eastern regional government had established the University of Nigeria, Nsukka, as the first indigenous university in the country. The western regional government also established the University of Ife (now known as Obafemi Awolowo University), while the Northern regional government established the Ahmadu Bello University, Zaria. The University of Ibadan, however, became an autonomous university in 1962.

By 1966 when the military took over power, there were two federal universities, Ibadan and Lagos and three regional universities (Nsukka, Ife and Zaria) in the country. The thirteen-year reign of the military (1966 to 1979) marked a significant phase in the political development of Nigeria, which invariably affected the structure of university education in the country. The military government established seven additional universities and also took over the total control of the existing three regional universities. Indeed, the military at that time was propelled by the increased income from oil and increased demand for higher education in the country. Thus, by October 1, 1979, when the military handed over power to a democratically elected government, there were thirteen universities in the country; all owned by the federal government.

The constitution that ushered in the presidential system of government on October 1, 1979, however, placed higher education on concurrent

legislative list. This means that both federal and state governments have the power to establish universities of their own. This is unlike under the military government, where power was centralised at the federal level and only the federal government was allowed to establish universities. During the second republic, therefore, some states, all in the southern part of the country, established their own universities. The federal government, as a matter of deliberate policy also established universities of technology in states where there were no universities at all, thereby paving way for specialized universities in Nigeria. The second republic only lasted for four years. By December 31, 1983, which marked a re-surgence of military rule in Nigeria, there were twenty seven government-owned universities in the country. The military ruled the country between 1984 and 1999. During this fifteen- year period, both federal and many other state governments also established universities, because higher education remained under the concurrent legislative list.

Like the second republican constitution, the 1999 constitution of the Federal Republic of Nigeria, which the country has been operating since May 29, 1999 when the country returned to democratic rule, placed the responsibility for higher education on both federal and state governments. This policy is in consonance with the principle of federalism which the country is operating. This policy has been embraced in many quarters as it has been discovered that the federal universities are not capable of admitting all the qualified candidates into the universities. Even with a total of twenty seven federal universities, thirty-three state universities and thirty-four private universities as at January, 2009, the Executive Secretary of the National Universities Commission (NUC) still contends that the universities are yet to admit all the qualified candidates (Okogie, 2009).

During the long years of military rule in Nigeria (1966-1979 and 1983-1999) universities suffered a lot of setback arising from the militarisation of civil structures in the country. The governance of the institutions was badly affected by the constant interference in the operations of the universities. The various organs of the universities, such as Council and Senate, were constrained in the performance of their statutory functions as enunciated in the statutes of the universities. The military government constantly issued directives and circulars to the universities; most of

which were not in consonance with the traditions of the university system. Often, establishment circulars from both the ministry and civil service were also sent to the universities without recourse to their governing councils. Some university administrators also did not help matters. Benjamin (2001) observes that some university administrators tend to by-pass university organs in taking decisions. Such administrators lobbied top government officials on matters which ought to be decided internally.

The consequence of this is the frequent interference in the internal administration of universities as well as gradual erosion of university autonomy. In a study on management styles in Nigerian universities under military rule, Ekong (2001) recalls that in one university where the Vice Chancellor had stayed for over ten years in office (even when it was against the maximum of two terms of four years each at that time), the Vice Chancellor at one point unilaterally dissolved senate, appointed and deposed Deans and Heads of Department at will; operated without a Deputy Vice Chancellor, reduced the University Council to a mere rubber stamp, banned the academic union on campus, and generally unleashed a reign of terror, high-handedness and an atmosphere of fear antithetical to academic freedom and sound intellectual development. The findings of Ekong further reveal that Vice Chancellors who exhibit authoritarian tendencies never applied for their positions. Rather, they were recommended by the then Ministers of Education directly to the military Heads of State for appointment and deployment to the universities. Thus their first loyalty lay outside their immediate operational constituencies.

Government intervention in the autonomy of Nigerian universities had been traced to 1975. Professor Oluwasanmi, a former Vice Chancellor of a first-generation university, asserts that

*actual interference in university affairs started in 1975.*

*There was no question at all of any, up to 1975, usurping the powers of council to dismiss staff... This problem which universities find themselves with started in 1975 (Cited in Ajayi, 1989:50).*

Similarly, Ike (1976) recalls that in a blunt authoritarian coercion, “a military governor, lacking the constitutional means to fire a Vice Chancellor,

simply called him into his office and showed him the gun; the Vice Chancellor resigned." Onwuka (2004) further reports that the military regime of General Ibrahim Babangida sacked academics who defended political views that were radically different from that of his government. The regime used Decree 17 of 1984 to dismiss academics in the public interest. Furthermore, the regime of General Sanni Abacha recruited Vice Chancellors who had no regard for university statutes. Many academic staff were sacked on the orders of the military regime in violation of laid down rules and procedures for disciplining staff. A Nigerian scholar captures the situation in this way:

*universities suffered from arbitrary governance..., rather than being a place where justice and truth are to be nurtured, the universities triumphed on mediocrity and untruths. Promotion was earned through sycophancy and the admission procedure became systematically bastardized as wives, children and cronies of Vice Chancellors had their own admission quota without reference to the established procedure. University governance became unpredictable and university finance in shambles* (Olorode, 2001). Olorode (2009) further recalls that between 1983 and 1998, the military dictatorships went out on a full scale to bring the Nigerian university system under their *jack boots*, complete with draconian decrees, which gave the National Universities Commission powers of *life and death* over university senates and academic staff.

In addition, Arikewuyo (2004) recount how successive governments have encroached on university autonomy as follows:

*Staff and student unions were banned and unbanned at various times. The Academic Staff Union of Universities (ASUU) and National Association of Nigerian Students (NANS) were the worst affected. Many vice chancellors have been removed for not complying with directives from the government. A Major General was even appointed as the sole administrator in a first generation university. Many*

*academics have been dismissed, retired and unjustly jailed for teaching what they were not employed to teach* (p.128).

ASUU (2001) asserts that the erosion of the autonomy of Nigerian universities subjected to the dictates of other government institutions and parastatals. In the view of the union, the Joint Admissions and Matriculation Board (JAMB) has usurped the autonomy of each university on admission matters; universities were subjected to the over lordship of the National Universities Commission (NUC), which has taken upon itself the power to set minimum standards and dictate to universities on academic and non academic issues. The universities, in addition to all these, have been the victims of gross insensitivity on the part of the government through poor and inadequate funding. The government was also accused of making it impossible for the institutions to function effectively, attract and retain quality staff, acquire and maintain modern equipment and facilities for teaching, research and dissemination of knowledge. Thus, three aspects of the violation of university autonomy are worthy of note in Nigeria. According to Onyeonoro (2005), these are the violation of the procedures for the appointment of Vice Chancellors; the erosion of the powers of Councils as statutory employers of staff; and the erosion of the powers of Senate as the supreme organs in academic matters.

Consequently, the issue of how Nigerian universities should be governed has been a major concern to everybody that is involved in university education. The question has always been on who should cater for certain functions and responsibilities. From the government perspective, university autonomy does not mean the same thing as government's responsibilities of funding the universities. Rather, it is meant to enable the universities have a free hand to choose their Vice Chancellors as well as make some money by the side to augment government funds (Abdullahi, 2000). Indeed, in the view of former President, Chief Olusegun Obasanjo, who signed the Act into law in 2003, autonomy means that the universities will be free from government control; the university Governing Council will not only appoint or remove Vice Chancellors, the Council will also determine remuneration package and conditions of service of all categories of staff (*This Day Newspaper*, Tuesday, 14th November, 2000).

Since the country returned to democratic rule in May, 1999, there have been agitations by the citizens on the government to de-militarize the entire civil structures, including the universities. This is also expected to include a total reform of the educational system, most especially the university sub-sector. Part of the reform being agitated is the repeal of all decrees and edicts promulgated during the military era, which are not in consonance with democratic principles. Indeed, Arikewuyo (2009) reported that virtually all countries of the world have been reforming their higher education system since the dawn of the 21<sup>st</sup> century and that Nigeria must also not lag behind in reforming its university system. In response to these concerns, the federal government, under President Olusegun Obasanjo presented a bill to the National Assembly for the amendment of Universities (Miscellaneous) Provisions Act No 11 of 1993. The bill, which was passed by the Senate on May 28, 2002 and by the House of Representatives on June 2, 2003, was assented to by Chief Olusegun Obasanjo on July 10, 2003. It was passed as the Universities (Miscellaneous Provisions) (Amendment) Act 2003. The Act makes new provisions, among other things, for the autonomy, management and re-organization of universities in Nigeria (p.1).

### **Implications of Universities (Miscellaneous Provisions) (Amendment) Act, 2003 on the search for University autonomy in Nigeria**

The Universities (Miscellaneous Provisions (Amendment) Act, 2003 amends the Universities (Miscellaneous Provisions) Act No. 11 of 1993 and makes new provisions for the autonomy, management and re-organization of universities in Nigeria. Actually, Act No 11 of 1993 was made during the period of military rule in Nigeria. The intention of the government in enacting the new law is to ultimately improve the governance of the university system in Nigeria, especially now that the country has returned to democratic rule. In realization of this fact, Arikewuyo (2004) notes that with the advent of democratic rule in the country, the governance of Nigerian universities should change for the better.

Firstly, the 2003 Act provides for the composition, functions and tenure of university Governing Councils. The Council of each university is expected

to have a Pro-Chancellor as the Chairman. The other members are Vice Chancellor, Deputy Vice Chancellors, one person from the Ministry of Education, four persons representing a variety of interests and broadly representative of the whole federation, to be appointed by the National Council of Ministers, four persons appointed by the senate of the university, two persons appointed by the congregation from among its members, and one person to be appointed by the convocation from among its members. It also adds that the people to be so appointed by the government must be people of proven integrity, knowledgeable and familiar with the affairs and traditions of the university.

Thus, out of the sixteen-member-Council, at least nine of them are strictly members of the university community, who are familiar with university culture. The implication of this is that, with majority of members coming from the university, the governance of the institutions will likely improve. The government, in a way, is trying to say, perhaps, that the universities should be managed by the universities and for the universities. This could also be seen as a way of reducing government control and interference in university management.

The Act also states that each Council would have a four-year tenure from the date of its inauguration. A Council may, however, be dissolved where it *is found to be incompetent and corrupt*. In that case, a new Council will be constituted immediately. Unlike the 1993 Act, which did not specify any tenure for the Councils, the 2003 Act, takes a cue from the provisions of the Constitution of the Federal Republic of Nigeria and provides tenure for University Councils. Indeed, this is the first time in the history of Nigerian universities that Councils would have tenure. In the past, the term of the Councils was usually at the pleasure of the Visitor (the President in the case of federal universities and State Governors in the case of state universities). Another significant departure from the past is the provision that the four persons from the federation will now be appointed by the National Council of Ministers. Prior to this time, the Visitor solely appointed these persons.

The Act further specifies the independence and freedom of the Council in “the discharge of its functions and exercise of its responsibilities for the

good management, growth and development of the university (p.4). While the Act also indicates that the powers of the Council shall be exercised in accordance with the statutes of each university, it also adds that the functions of the Council shall include ensuring that disbursement of funds of the university complies with the approved budgetary ratio of personnel and overhead costs; research and developments; library developments and the balance in expenditure between academic vis a vis non-academic activities. Another significant provision in this regard is the clause that "establishment circulars that are inconsistent with the laws and statutes of the university shall not apply to the universities." (p.4) This is very good for the universities because in the past, circulars from the civil service were often sent to the universities and such circulars often treat university staff as civil servants in the ministries.

The Act also provides for new procedures for the appointment of Vice Chancellors. Unlike the 1993 Act, which provided for the appointment of Vice Chancellors by the Visitor, the 2003 Act stipulates that the Vice Chancellor shall be appointed by the Governing Council. And unlike the repealed Act which stipulates that the Council shall select one from among the three candidates recommended to it, the 2003 Act provides that the Council shall select and appoint as the Vice Chancellor, from among the three candidates recommended to it and "*thereafter inform the visitor.*" The Act further states that the Vice Chancellor may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of the office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process. It emphatically states that there shall be no Sole Administration in any Nigerian university. This is as a result of the ugly experience under the military when sole administrators were appointed by government for two first generation universities (Zaria and Nsukka). Rather than appointing a sole administrator, the Act provides for the appointment of an Acting Vice Chancellor, who shall not spend more than six months in office. In addition, the Act states that a Deputy Vice Chancellor can be removed from office by the council, acting on the recommendation of the Vice Chancellor and Senate.

All these provisions are pointers to the fact that the management of the university is now in the hands of the Council, rather than on the government

directly. Unlike in the past, when Vice Chancellors were removed at the whims and caprices of Visitors, they can only now be removed by the Governing Council, which is directly responsible for the management of the university. And in line with the existing culture of the university system, the Act provides for the establishment of a Senate in each university. The Senate shall consist of the Vice Chancellor, Deputy vice chancellors, all professors, deans, provosts and directors of academic units, all heads of academic departments, units and research institutes, the university librarian and elected members of the congregation. It further states that the functions of the Senate shall include: powers in all academic matters including organisation and control of teaching and research; admission of students; award of degrees, including honoris causa, certificates and diplomas, promotion of research and other functions specified in the laws and statutes of each university.

The Act further provides that the Visitor shall cause a visitation to each university, when necessary, at least every five years. The Visitor shall also make the report of such visitations and white paper available to the Council for implementation. This is unlike in the past when the Visitor and the Ministry implement reports of such visitations and white papers directly without involving the Council. This time, the Council as the direct management of the universities will now take possession of visitation reports as well as the government white paper and implement.

Another major landmark in the Act is the involvement of students in the administration of universities. The Act provides that students must be represented in students' welfare boards and other committees that deal with the affairs of students. The students are also to be allowed to participate in various aspects of curriculum development; assessment of academic staff in respect of teaching, while the students should also be encouraged to be more self-assured as part of the national development process. The issue of students' participation in management of universities has been discussed in the past. In a study, Arikewuyo (1997) argues that students should be involved in all aspects of university management. The contention is that if students are involved in decisions that affect their affairs, it is likely that students' crises that pervade the Nigerian university system will be reduced. The argument as to which aspects of university management the

students should actually be involved in is, however, still raging. Should students be involved in taking decisions on the design and implementation of curriculum of the university? Should students be involved in the appointment, promotion and discipline of staff? These are posers that need to be answered when discussions on students' participation in university governance comes to the fore.

### **Conclusion and Recommendation**

From all indications, the objective of the Nigerian government in enacting the Universities (Miscellaneous Provisions) (Amendment) Act 2003 is very clear. The contention now is that the universities should now have the opportunity of governing themselves. With the various organs fully put in place, it is hoped that the autonomy of the universities, which is being threatened, will be restored.

However, full autonomy is yet to be guaranteed for the universities. For instance, the issue of funding has not been addressed by the Act, just as it has not granted financial autonomy to the universities. Even when Governing Councils are employers of university staff, they still do not have the power to negotiate or fix salaries of workers. Determination of salaries in the university system is still an issue of collective bargaining between the staff unions and government. The Act is also silent on the role of external agencies such as the Joint Admissions and Matriculations Board (JAMB), which regulates admission into the universities, and the National Universities Commission (NUC), which supervises and disburses funds to the universities as well as accredits courses in the universities. Will the functions of these agencies remain the same in view of the autonomy being sought for the universities? Arikewuyo (2009) has earlier proposed that part of the restructuring that the Nigerian university system needs is that each university should be allowed to conduct its own admission examination without any recourse to JAMB.

Be that as it may, the government has now given considerable responsibilities to the internal organs of the university. Indeed, the three aspects of the violation of university autonomy earlier identified by Onyeonoro (2005) appear to have been addressed by the Act. But the problem of implementation should also be addressed. Will future

governments have the political will to implement the Act? On assumption of office in May, 2007, President Musa Yar'Adua, without any regard to the Act in respect of their tenure, dissolved the Governing Councils of all federal universities in the country. And rather than reconstitute them immediately as provided for in the Act, it took the government another two years before the Councils were reconstituted. It was not until ASUU threatened a legal action against the government for its failure to constitute the Councils that government reconstituted them. State universities are the worst violation. State governments dissolve the Councils of their universities with impunity and without any regard to the law. For example, the Governor of Rivers State in 2007 visited the state university during a familiarisation tour, removed the Vice Chancellor on the spot and appointed an Acting Vice Chancellor immediately. This is a flagrant violation of the 2003 Act under a democratic government. It is also a clear indication that the Nigerian university system, as argued by Jega (2009), is still infested by relatively undemocratic governance structures that were nurtured under the military regime and which relatively constrain autonomy and academic freedom in the universities..

Thus, the search for a true autonomy for the Nigerian university system continues. Even though the Universities (Miscellaneous Provisions) (Amendment) Act is a considerable improvement over previous governments' attitudes towards university autonomy, there is still more to be done by the government in order to guarantee institutional autonomy for universities in Nigeria. For instance, there will be the need to domesticate the provisions of the 2003 Act into relevant sections of the Act of each university. Universities should also be allowed to function according to the Acts and Laws that establish them.

The stability and sustainability of the Nigerian university system could further be guaranteed if successive governments could ensure strict adherence to the rule of law. If the Nigerian judiciary could also continue to be bold in performing its statutory functions, the universities could be protected from abuse of power by the government. A case in point is the landslide judgement of the Supreme Court on June 12, 2009. In the judgement, the court ruled that the dismissal of five academic staff of the University of Ilorin in 2001 did not follow the laid down rules and regulations

of the institution. It, therefore, ordered that the lecturers should not only be re-instated to their former positions, their entitlements since 2001, should be paid in full (*Punch Newspaper*, June 13, 2009). In another judgement on December 11, 2009, the Supreme Court of Nigeria ordered the reinstatement of forty-four lecturers of the same University who were dismissed by the authorities of the University for participating in an industrial action embarked upon by the Academic Staff Union of Universities (ASUU) in 2001. The court also ordered that the salaries and allowances of the lecturers should be paid from 2001 to date (*Punch Newspaper*, December 12, 2009).

Therefore, the autonomy of the Nigerian university system can only be guaranteed if the rule of law is allowed to operate in the entire fabric of the Nigerian system. By that, anarchy will be eradicated and all laws of the land, including university laws, rules and regulations will be allowed to operate without any hinderance. The judiciary will also play significant roles in this area, so that proper interpretation of the law will be given whenever conflicts arise within the university system.

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