Towards Academic Freedom for Africa in the 21st Century*

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Abstract

This paper begins by reviewing the ways in which the higher education landscape in Africa has changed significantly during the last decade as a result of the ongoing regional crisis and the changing perspectives on African higher education articulated within the international development arena and argues that, if the higher education crisis of the 1980s and 1990s was the result of financial conditionalities imposed through structural adjustment, then the ensuing decade has seen a global policy shift that has profoundly changed the conditions under which academic work is carried out. Particular attention is paid to the manner in which the changing, economically-driven constraints on academic freedom, institutional autonomy and conditions of service in higher educational institutions are mediated by other social conditions such as gender inequalities, the HIV/AIDS crisis, the effects of long-term brain drain and the manner in which local capacity is diverted into survivalism. I argue that higher education reforms threaten to undermine the material base for academic life by emphasising privatisation and cost recovery in contexts where poverty is a major feature of life. Exaggerated concerns with "efficiency" and "excellence" lead to increased regulation and surveillance of scholarly output, rendering academic freedom vulnerable to formulaic measures of performance that may be insensitive to the work of African academics. The paper concludes by recommending a programme of activities designed to re-affirm the public stake in higher education, strengthen and diversify independent scholarly work and encourage African governments to adopt policies that will strengthen the tertiary sector and ensure an enabling environment for intellectual development and freedom.

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Résumé

Cette contribution commence par passer en revue les changements significatifs intervenus dans l'enseignement supérieur en Afrique dans la dernière décennie en raison de la crise régionale et les dynamiques dans les perspectives de l'enseignement supérieur tels qu'articulées dans l'arène internationale du développement et affirme que, si la crise dans l'enseignement supérieur dans les années 1980 et 1990 était le résultat des conditionnalités imposées par l'ajustement structurel, la décennie qui a suivi a connu un changement de politique qui a affecté les conditions de travail académique. Une attention particulière est portée à la manière dont les contraintes économiques imposées à la liberté académique, l'autonomie institutionnelle et les conditions de service dans les institutions d'enseignement supérieur ont affecté les autres conditions sociales telles que les inégalités de genre, la crise du VIH/SIDA, les effets de la fuite persistante des cerveaux et comment les capacités locales ont adopté le survivalisme. Je souligne que les réformes de l'enseignement supérieur sapent la base matérielle de la vie académique en accentuant la privatisation et la marchandisation dans un contexte de pauvreté. Des préoccupations exagérées d' « efficacité » et d' « excellence » ont conduit à la régulation et à la surveillance croissante de la production scientifique, rendant la liberté académique vulnérable aux mesures de performance qui pourraient être insensibles au travail des universitaires africains. La contribution conclut par recommander un programme d'activités destiné à réaffirmer la responsabilité publique dans l'enseignement supérieur, renforcer et diversifier le travail universitaire indépendant et encourager les gouvernements africains à adopter des politiques qui renforceront l'enseignement supérieur et assurer un environnement favorisant le développement et la liberté académiques.

Introduction

The current context is one in which there is renewed interest in African higher education among both national and international players for a number of quite widely articulated reasons. Key among these is the global shift towards a much greater reliance on knowledge and information, a trend that is likely to further marginalise the world's poorest continent if steps are not taken to address the fact that we also have the world's lowest higher education enrolment rates. In such a context, the concepts of "academic freedom", "institutional autonomy" and "social responsibility" assume new importance.

However, the changed global and regional conditions within which academia is located pose serious challenges to the observance and strengthening of academic freedom in African contexts. The crisis in African higher education reached its extremes during the 1980s and 1990s. It is worth noting the political context within which this crisis occurred. By the end of 1989, thirty-five of Africa's forty-five independent nations were under military rule, and conflicts

had become alarmingly commonplace. Dire political circumstances have since continued to take a major toll on academic institutions in many countries, as these have been faced with varying levels of direct state repression by authoritarian regimes.

The second major feature of the context has been the imposition of structural adjustment programmes which has often gone hand-in-hand with political authoritarianism. The diminution of the public sector and the "rolling back" of the state has placed severe financial constraints on all African public institutions, and contributed to the virtual collapse of the tertiary sector. The basic needs doctrine of the period led to an either-or-scenario, which supposed that Africa could not afford universities and should therefore focus its limited resources on basic literacy and primary education, as if these were exclusive, rather than mutually supporting, elements in an overall system.[1] Throughout the "lost decade" of the 1980s constraints on public spending clashed with an ever-growing public demand for tertiary education to produce an overall deterioration in the quality of higher education, even as the number of institutions and students continued to grow.

The depletion of African public institutions and the ensuing brain drain have had profoundly negative effects on regional institutions of all kinds, and these issues appear not to have been mitigated by foreign aid or the adoption of global models of "good governance", as some might have hoped. The fact is that, while incurring vast expenditure on expatriate technical assistance, African governments have continued to experience the increasingly salient need for highly trained people. African analysts have long interpreted the failures of international development recipes as indicating a need for locally grounded and accountable intellectual and strategic capacity to advance democratisation, development and the social justice agenda (Mkandawire and Soludo 1999). Academic freedom is a prerequisite for the production of this capacity.

Various stakeholders are now engaged in the reform and revitalisation of African higher education. These players have disparate agendas, and the extent to which one or another agenda prevails will have major implications for the future of academic freedom, the meaning of institutional autonomy and the feasibility of sustaining Africa's historical commitment to the social responsibility of intellectuals. The major players include:

- international financial institutions, notably the World Bank
- other international agencies, including American-based foundations, the European Union and Scandinavian agencies, notably SIDA-SAREC
- African governments, and their representatives in the field of higher education

- African universities, academic associations and scholarly organisations
- popular and civil-society interests.

These stakeholders not only have disparate agendas for African higher education, but they also have different capacities to intervene in the re-directions that are occurring. The stakeholder analysis begins with the powerful Washington-based international financial agencies currently driving globalisation, and ends with African citizens who have historically had the strongest and most vested interests in the maintenance of a strong and vibrant higher education sector but whose perspectives are in danger of being ignored.

International Financial Institutions

The negative impact of the macro-economic policies of the 1980s and 1990s need not be reiterated here at any length, because their disastrous consequences for African public services and the higher education sector in particular are well known (Sawyerr 2002). Only towards the end of the 1990s did the "Washington consensus" begin to give way to a return of broader development thinking. It is in this context that the renewed interest in African higher education must be located. The World Bank, while it may still regard higher education investment as having poor financial returns, recently acknowledged that tertiary education:

> …is a critical pillar of human development worldwide. In today's life-long learning framework, tertiary education provides not only the high level skills necessary for every labour market, but also the training essential for teachers, doctors, nurses, civil servants, engineers, humanists, entrepreneurs, scientists, social scientists, and myriad personnel. It is these trained individuals who develop the capacity and analytical skills that drive local economies, support civil society, teach children, lead effective governments, and make important decisions which affect entire societies (Ramphele 2002: ix).

The World Bank's current vision of Africa as a region lacking in human capital has been addressed through a broad framework that views the bank as playing a central role in 'facilitating policy dialogue and knowledge sharing, supporting reforms … and promoting the enabling framework for the production of the global public goods crucial to the development of tertiary education (World Bank 2002: xxvi). The bank has therefore provided loans to support both infrastructural development and institutional reform. A separate initiative is the African Capacity-building Initiative, based on the establishment of a number of regional "centres of excellence" envisaged as cost-effective and efficient alternatives to conventional universities. The agenda behind the bank's higher education strategy is ostensibly designed to rapidly produce technically skilled

personnel needed to service the market-driven approach to development, which the bank espouses.

Other International Institutions

The Higher Education Partnership formed in 1999 between the Carnegie Corporation, Rockefeller Foundation, Ford Foundation and MacArthur Foundation has initiated a joint programme that seeks to revitalise and reform universities in Mozambique, Tanzania, Ghana, Nigeria and South Africa.[2] The US-based foundations involved have a somewhat independent history of supporting higher education development in Africa; some continued their grant-making even during the period when the World Bank advocated against it. However the extent to which this new funding will create options beyond the World Bank approach remains to be seen.

European donor agencies, notably the Swedish SIDA-SAREC, have also supported African academic activity in various areas, including independent research.[3] A major part of the research funding still reaching African research institutions and networks such as the Council for the Development of Social Science Research in Africa (CODESRIA) and the Association of African Universities (AAU) has come from these sources. However the vast majority of African institutions of higher education have continued to rely almost entirely on state funding. The costs of the increasingly limited availability of state support for the core functions of universities have therefore been great, and have hardly been mitigated by the limited availability of international aid or partnership arrangements with colleagues in the West.

African Universities

African universities have clear stakes in the direction of reform and articulate principles that guide the manner in which teaching and research is carried out. Most were established by African governments expressly to address the development needs of post-colonial states in contexts where education was widely viewed as a route to national liberation:

> Widespread university education is essentially a post-colonial phenomenon … [and] only 18 out of the 48 countries of sub-Saharan Africa had universities or colleges before 1960. With the approach of political independence or immediately thereafter, many African countries regarded the establishment of local universities as a major part of the post-colonial national development project. The new universities were to help the new nations build up their capacity to manage and develop their resources, alleviate the poverty of the majority of their people, and close the gap between them and the developed world (Sawyerr 2002: 2).

As early as 1962 the Tananarive Conference on the Development of Higher Education in Africa outlined an ambitious mission, according to which African universities were:

> viewed as key instruments for national development. They were expected to produce the skilled human resources necessary to manage newly independent countries, to generate developmentally relevant research … to provide community service … to contribute to African unity, and to serve as cultural centres for the nations (Ajayi et al. 1996: 191).

Since then African notions of the university have continued to stress their role in development and a deep sense of social responsibility. The AAU's' 'Declaration on the African University in the Third Millennium' (2001) is illustrative, for it insists that higher education is 'the principal venue for knowledge creation and dissemination' and that the university therefore 'occupies a very special place' in African society:

> higher education has the function of fostering the capacity of individuals and communities to embrace democratic principles, to uphold human rights and to promote sustainable development (AAU 2001).

Indeed African universities are charged to do no less than 'create an institutional environment that fosters the development of the mind and the ennobling of the spirit, inculcating citizenship and the will to serve' (AAU 2001). Academic freedom is implicitly assumed to be a necessary condition for African universities to fulfil their role:

> Through the promotion of research and free enquiry, the open contestation of ideas, and the appreciation and tolerance of difference, African universities must generate and disseminate knowledge and understanding, foster the values of openness and respect for merit, and enrich the general quality of the social life of their communities (AU 2001).

Scholarly Networks and Intellectual Communities

A range of non-governmental national and regional independent centres and networks also make important contributions to knowledge production in African contexts, often in ways that resist being bound by the logic of either the state or the market. Even so those that are nationally based are often highly vulnerable to national political conditions, not to mention the vagaries of fund-raising. Regional centres in particular have seen their relative importance grow with the diminution of the research capacity of the universities. Some, like CODESRIA, have found it necessary to take on teaching and training functions too, as this became a necessary way of ensuring the reproduction of continental

research capacity. It also soon became a valuable way of keeping Africa's scholars up to date on emergent academic fields of study such as governance, democratisation and gender studies. Independent research institutions and networks have a vested interest in academic freedom, not just because their existence requires a basic level of state tolerance, but also because they are often well-positioned to undertake transnational monitoring work, given the longstanding and dynamic networks of scholars through which they operate.

The African People

The most important among the stakeholders in African higher education are the people who demand and utilise African higher education systems. When one reviews the recent history of African higher education, it would be no exaggeration to attribute the survival of the system as a whole to the tenacity of the popular interest in higher education. This interest has persisted across the various development decades, in the face of quite extreme odds, and curtailed the extent to which even the most anti-intellectual regimes have been able to pursue the diminution of the sector. Yet popular perspectives are seldom articulated directly through formal channels. Perhaps the institutions that come closest to doing so are the independent continental networks, notably CODESRIA.[4] Yet this interest is frequently expressed at workshops and other fora debating the future of African higher education.[5] Popular perspectives deserve to be reiterated in the context of higher education reforms that may well compromise the social inclusiveness gained in the post-independence period. However popular interests are diverse, contextual and changing, being framed by the broader context of economic globalisation and the simultaneous resurgence of African democratisation movements and struggles for social justice. At the very least they include perceptions of employment prospects within local economies and local political environments, as well as concerns over social justice and development agendas.

All these various groups of stakeholders have different interests in, and levels of influence on, the higher education landscape in Africa. While disparate agendas can be separated out to some extent, it is also clear that they may overlap between and within agencies. Complex interplays between stakeholder groups occur continuously, creating an unstable and rapidly changing landscape that is never fully transparent. The overall scenario can best be understood as the product of interactions and negotiations between and across different and unequal stakeholders. No matter whose interests prevail, it is also clear that the greatest impact will be felt by the African people, as the various outcomes of the complicated processes of higher education development have

profound implications for the survival of a socially engaged and responsible African intelligentsia, not to mention the freedom to pursue their work.

This analysis indicates that African epistemologies and visions for the social and political advancement of Africa co-exist with external perceptions and constraints. Globalisation poses new challenges to Africa's intellectual self-determination, and the regionally focused visions that characterised earlier chapters in the post-colonial experience face new threats in the global economy. The idea of Africa as a continent entitled to produce its own intellectuals for its own purposes has once again to be struggled for and defended against reductionist imperatives that would limit the role of African higher education to the production of the technical, administrative and financial management skills needed to service the residualised public sector and furnish some of the labour needs of the global marketplace. More radical visions of African intellectual life – as linked to democratisation and social justice agendas – have been a key feature of the continental thinking which has motivated and driven considerations of academic freedom in African contexts, and linked these to a profound sense of social responsibility. The long and restless history of student and staff protests against political repression and unfavourable economic policies indicate a high level of social engagement, which on occasion links to broader social concerns and social movements.

Paul Hountondji, the renowned philosopher and a former Minister of Education, describes the policy servicing demanded of academics by many African governments and international agencies as 'rampant pragmatism' (2003: 227). He draws a link between the external over-determination of African intellectual life and Africa's ongoing economic dependency and indebtedness, rejecting the global international division of labour that continues to position Africa in a way that renders regional intellectual and theoretical development redundant. He joins the other major African thinkers who emerged during the twentieth century in calling for a scientific revolution that will be 'a radical appropriation of theory … [and] a methodological effort to give ourselves the material and human resources for autonomous research' (Hountondji 2003: 232). The late Claude Ake, former director of the independent Centre for Advanced Social Sciences, used more explicit language to suggest that the African intellectual is:

> uniquely placed to demystify and expose the self-serving ideological representations of the state and external domination …, a daunting task … [that] puts the academic in potential confrontation with the state and international capital, both of which are more intolerant of change than ever (Ake 1994: 23).

In a similar vein Singh (2001) draws a useful distinction between transformations which denote the 'repositioning of higher education to serve more efficiently

as the "handmaiden" of the economy' and transformations that seek to 'align higher education with the democracy and social justice agenda or a new polity'.

The higher education context reviewed here has profound implications for the changing meaning and understanding of academic freedom in Africa, as well as for the development of instruments and mechanisms for the protection and advancement of academic freedom. The disparate interests of the various stakeholders outlined above are the basis for a number of contemporary contestations over the future of African higher education, the outcomes of which are likely to have profound impacts on the capacity and direction of continental knowledge production and the quality of Africa's intelligentsia. Academic freedom, social responsibility and institutional autonomy are crucial prerequisites for the emergence of a regionally relevant, vibrant and dynamic intellectual culture, without which Africa's participation in the world is likely to continue to be marginal and vulnerable to exploitation by external forces and interests. This increasing contestation – and the inseparability of academic freedom from broader political and economic challenges facing Africa – provides the major rationale for reviewing the existing instruments designed to advance and protect academic freedom in Africa. This task can only be meaningfully undertaken in full cognizance of the global changes that have occurred over the past decade or so and the manner in which may have affected the prospects for advancing academic freedom and institutional autonomy, not to mention sustaining the social responsibility of African intellectuals.

Academic Freedom in Africa

In the early years of independence Kwame Nkrumah may have been the first to link academic freedom with social responsibility. He did so within a nationalist and anti-imperialist paradigm that was not welcomed by the departing colonialists: 'no resort to the cry of academic freedom (for academic freedom does not mean irresponsibility) is going to restrain us from seeing that our university is a healthy university devoted to Ghanaian interest' (cited in Mkandawire 1999). At the time national interest was more easily assumed to be the same thing as public interest, and the state was assumed to be the main expression of both. Today the state, while still the major source of funding for higher education, is no longer uncritically assumed to represent the public interest in Africa. Indeed, during the 1980s and 1990s, the state was more easily identified as a major culprit perpetrating abuses of academic freedom (Diouf and Mamdani 1994).

Today however international economic doctrines have so undermined the capacity of the state that the very meaning of national sovereignty is being

debated. More specifically the state has been obliged reduce funding to an extent that now constitutes the main obstacle to the pursuit of academic freedom. It is in this context that the feasibility of the existing provisions for academic freedom in Africa have to be revisited. Are the existing instruments still adequate? How is higher education reform affecting their viability? How might they be developed and implemented to ensure that they are effective in a contemporary scenario in which the earlier constraints of state repression and censorship have largely been superseded by constraints arising out of the implementation of international economic doctrines? The Kampala Declaration and the UNESCO Recommendations are the two key instruments to be reviewed from this perspective.

The Kampala Declaration 1990

The African scholarly community has built on the historical understanding of the importance of a locally attuned and adept intelligentsia to develop a distinct regional approach to academic freedom, which the Kampala Declaration seeks to reflect. A key concern expressed at the conference that gave rise to the Kampala Declaration was the need to develop an African perspective that would address the highly challenging conditions facing African academics. This centred on affirming the link between academic freedom and broader societal freedom. Academics were clearly defined as being entitled to their freedom only insofar as the struggle for academic freedom is coupled with popular struggles and imbued with social responsibility towards those struggles. Academics were located within broader definitions of intellectual life which include the social, cultural and religious life beyond the academies.

Academic Freedom was explored along five main themes, each of which refer to particular stakeholders:

- the state and academic freedom
- civil society and academic freedom
- the intelligentsia and academic freedom
- donors and academic freedom
- the social responsibility of intellectuals (Oloka-Onyango 1994: 338).

A great deal of attention in the Kampala Declaration was directed at the African *states*, largely on the basis of extensive evidence of intimidation, harassment and elimination of academics by intolerant and authoritarian regimes. Articles 13-18 nonetheless focus on the obligations of the state, requiring that the state respect and protect academic freedom, desist from deploying armed forces on campuses, desist from censorship, allow free movement of academics across borders and ensure continuous availability of funding for research

and higher educational institutions. Institutions of higher education are required to be autonomous and democratically self-governed by the academic community.

Discussions regarding the role of the intelligentsia and the rights of intellectuals were extensive. The first nine articles of the Kampala Declaration address the rights of intellectuals to education, to participation in intellectual activity, to all the civil rights contained in the International Bill of Rights and the African Charter on Human and People's Rights, to work without harassment and intimidation, to freedom of movement and association, to self-governance, to freedom of expression and to security of tenure. There is no specific mention of the right to freedom from gender, ethnic, class or religious discrimination, or to equal treatment within academic institutions. The declaration refers to an abstract "African intellectual" which a generous interpretation could take to include women and members of other marginalised groups. The declaration is inconsistent with regard to the use of gender-inclusive language, and there is no acknowledgement of the gross under-representation of women and other marginalised groups in the academy, or of the extent of gender discrimination, sexual harassment and abuse that occur within the academic community.

There were also many self-criticisms addressed to the conservative reliance on imported Western paradigms, disciplinary constraints and undemocratic academic organisational structures, all of which are viewed as reproducing rather than challenging the social divisions and hierarchies constraining African societies. It was argued that this has led African intellectuals to reproduce rather than challenge inequalities based on gender, class, ethnicity and other dimensions of oppression. The discussions on social responsibility were extremely wide-ranging but coalesced around the need for Gramscian-style "organic" intellectuals, that is, intellectuals rooted in popular struggles for democracy and social justice. No less than six articles in Chapter III of the declaration address the building of social responsibility in and beyond the academic community. However there is no specific acknowledgement of the widespread effects that religious, ethnic, class, gender and other discriminations have on the possibility of academic freedom. Instead a general resolution calls on the intellectual community to ensure that differences are resolved "in a spirit of equality, non-discrimination and democracy". In terms of civil society there was much discussion of the relationship – or lack of relationship – between academics (often viewed as part of the state) and social movements, including women's movements. The contradictory nature of civil society was raised in the context of cited instances in which religious bodies have taken

over the surveillance and repression of academics, notably in North Africa, where the Islamic fundamentalist movement targets academics for intimidation and elimination.

The role of donors was posed as a duality between the protective role that financial and material assistance offers on the one hand (and the independence that this provides in terms of the scientific agenda) and, on the other hand, their own interests in particular brands of developmentalism. The need for financial autonomy in sub-regional and regional centres was clearly identified as an *a priori* condition for maintaining intellectual autonomy. Very little attention was given to, and none of the resolutions deal specifically with, the influence of international financial institutions on the higher education arena or the manner in which the "market forces" that feature so powerfully in global economic doctrines may affect the prospects for academic freedom.

In conclusion we can see that neither the deliberations of the Kampala Conference nor the Kampala Declaration itself fully anticipated the extent or impact of globalisation, the diminishing role of the state and the ensuing marketisation of higher education. They only partially anticipate the development of repressive civil society forces that have also played a role in constraining academic freedom (notably in Algeria). The increasing fragmentation of the intellectual community has made it more and more difficult to discern a unified African intellectual community with a coherent agenda for the future of higher education and academic freedom. Instead old and new dividing lines have emerged to further disempower an African intelligentsia whose marginalisation looks set to continue into the twenty-first century.

The UNESCO Recommendations on the Status of Higher Education Teaching Personnel 1997

This document has its origins in the 1966 Recommendations Concerning the Status of Teaching Personnel, which focused on primary and secondary school teachers. It follows a similar format, setting out the educational objectives and policies governing higher education in the member states and the minimal conditions necessary for the maintenance of higher education teaching as a profession. The main substantive differences between the Kampala Declaration and the UNESCO Recommendations are due to the fact that the latter is organised within a global framework, rather than an African one. As such, although it was signed seven years after the Kampala Declaration, it does not specifically attend to the major features of the contemporary African context, namely the intense economic and political crises of the 1990s. Nor does it attend to the constraints imposed on public funding of higher education by the unfavourable political conditions of authoritarianism, instability and conflict, or the

intensely constraining macro-economic policy environment of structural adjustment programmes. As the situation analysis indicates, the political economic and institutional conditions of the African region have major implications for the status of teaching personnel and the prospects for academic freedom, institutional autonomy and social responsibility.

The UNESCO Recommendations set out core educational objectives and policies, notably the principle of public accountability regarding the expenditure of public funds on higher education, and the need for measures to ensure that teaching personnel are adequately provided with the necessary means to carry out their professional duties. The identified means include a list of items that are worth noting, if only because of their absence, or at best inadequacy, in many African tertiary institutions. Access to up-to-date libraries, the encouragement of research, publication and dissemination of research results, opportunities to travel and to participate in local and international scholarly gatherings, to take salaried sabbatical leave, and the right to maintain communications and contact between institutions and associations as well as between individual personnel have become distant memories for most, possibly the majority, of African academics.

The specified rights of higher education teaching personnel include the basic freedom to determine the curriculum, to carry out teaching, research and publication without interference, to freely express opinions and to undertake professional activities outside of their employment, insofar as these do not impinge on their duties within their home institutions. This clause recognises the need, if not the value, of academics engaging in activities beyond the campuses, but in many African contexts poor salaries present academics with little choice. In such a situation the extent of off-campus income-generating activities may well compromise the execution of duties within home institutions. Ensuring the maintenance of professionalism also becomes more difficult too, once the terms of employment have deteriorated below a certain level. There are extensive recommendations regarding the terms and conditions of employment (Section IX, 40-72). These address entry into the profession, security of tenure, appraisal systems, discipline and dismissal, collective bargaining and negotiation of terms and conditions of employment, salaries, workload and benefits, as well as the right to study and to research leave and annual holidays. The effects of the economic conditionalities of the 1980s and 1990s severely compromised many of these terms and conditions, and the likely effects of reform processes clearly deserve further exploration and analysis.

When it comes to equity and social justice considerations, the UNESCO Recommendations are more advanced than the Kampala Declaration. This has particular relevance to African contexts, where the broader conditions are such

that inequalities and unjust practices continue to be very pronounced. There are specific clauses relating to affirmative action, now widely accepted as a necessary strategy to promote the entry and advancement of historically excluded groups. The promotion of equality of opportunity and treatment of women is addressed in clause 70. There are also specific provisions regarding disabled people (clause 71) and part-time employees.

Structures for Monitoring Observance and Non-Observance

The efficacy of both instruments critically depends on committing resources to communication and promotion of the instruments, and to effective implementation and monitoring. The final paragraphs of the UNESCO Recommendations request the Director-General of UNESCO to prepare a comprehensive report on the world situation. The Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning the Status of Teaching Personnel (CEART) is identified as the main body responsible for monitoring the UNESCO Recommendations. To this end the Executive Board of UNESCO and the ILO Governing Body both approved an extension of the CEART's mandate to include the monitoring and promotion of the 1997 UNESCO Recommendations in the course of 1999.

Two key issues arising from this mandate have been, first, deciding what methodology to adopt and, second, what substantive issues to prioritise. It has been agreed that CEART's work should be based on reports from governments, national organisations of teachers, international NGOs and studies and reports of the ILO and UNESCO. CEART has offered the Director-General of UNESCO guidelines for following up on the report that is to be prepared. This essentially advises the use of existing organisations in the preparation of case studies in developed and developing countries as a means to identifying models. Two phases are suggested, the second of which is due to be completed in 2007, and so the full results are not yet available.

The UNESCO Recommendations also call upon both member states and individual higher education institutions to take 'all feasible steps to extend and complement their own action by encouraging co-operation' with and among relevant governmental and non-governmental organisations, but what such action might be is left undefined and open to interpretation. At the time of writing, the extent to which African education ministries and universities have in fact pursed the matter is not clear. However, the low level of reporting on observance or non-observance suggests that action has been extremely limited. It would appear that little has been done to ensure observance and/or that there is an almost complete lack of reporting on this.

Legally it has been suggested that the enforcement of academic freedom could be carried out under existing human rights legislation. However the limits of the law as a tool for social and institutional change have been well documented. The main concerns arise out of the highly limited access to legal services and information and the constrained nature of legal definitions based on the notion of a rational individual citizen, rather than on a notion of collective rights or social justice. Yet the broader challenge appears to be one of awareness and the capacity to make use of the existing provisions for the protection of academic freedom. Reporting is limited to extreme cases and defined within a human rights paradigm. Clearly restrictive definitions of the goal and purpose higher education can be deployed to constrain academic freedom according to disparate and increasingly contested stakeholder interests.

For its part the Kampala Declaration has only two articles pertaining to implementation. Article 25 states that 'academics may further elaborate and concretize the norms and standards set herein at regional and pan-African level', while Article 26 notes that it is 'incumbent on the African intellectual community to form its own organisations to monitor and publicise violations of the rights and freedoms stipulated herein'. To this end CODESRIA has established and maintained an Academic Freedom Unit. This was the main institutional site through which the state of academic freedom in Africa was monitored during the years following the Kampala Declaration (CODESRIA 1996). The first report indicated the ongoing severity of the conditions facing African academics and noted the urgency of continued monitoring and action to defend academics against tyranny. Many of the examples cited below are drawn from this report.

Additional monitoring has been carried out by international human rights NGOs such as Human Rights Watch, Amnesty International and the Network for Education and Academic Rights (NEAR). In the USA an independent committee, the Committee for Academic Freedom in Africa (CAFA), was established in the 1990s at the initiative of African academics who had found it necessary to relocate because of deteriorating conditions at home, along with North American colleagues critical of the global domination of higher education by international financial institutions based in Washington.

Prerequisites for Academic Freedom in the Twenty-First Century

The most general finding that even a cursory reading of any of the above documents reveals is that the basic economic and institutional prerequisites for the existence of a healthy and vibrant academia, not to mention academic freedom, are not in existence in many African countries and institutions.

Furthermore, there is an urgent need to examine the higher education reform process from the specific perspective of academic freedom. It makes little sense to discuss academic freedom in Africa without grounding the concept in the stark realities of regional contexts. Conditions differ widely, creating great variability in the constraints on academic freedom in different parts of the continent. For example, South Africa's elite institutions enjoy very different conditions compared to those prevailing in historically disadvantaged institutions, and both are very different from the universities in Rwanda, Somalia, Liberia, Sierra Leone or Gambia. The history and experience of academic freedom reflects this diversity.

Adequate Financing of Higher Education
Both the Kampala Declaration and the UNESCO Recommendations indicate the necessity of an adequate material base for academic life. The Kampala Declaration calls upon African governments to ensure adequate funding (Article 17) and, while the UNESCO Recommendations do not address core funding directly, they call upon member states to 'encourage aid programmes' for developing countries in order to mitigate the mass exodus of academics by assisting 'in sustaining an academic environment which offers satisfactory conditions of work for higher education teaching personnel in those (developing) countries'. However many of the higher education reforms that have been underway in recent years have been driven by financial considerations into adopting an approach that works against public funding and undermines public accountability of higher education systems. Furthermore public funding has always been the bedrock of education systems worldwide. The global trend towards the marketisation of higher education is a complex set of processes that are differently engineered in different African countries and about which there are many views which cannot be adequately reviewed here. But what is clear is that marketisation undermines the economic prerequisites for academic freedom and social responsibility. There needs to be a concerted effort to reconsider higher education reform from this perspective and to address the implications of marketisation for intellectual and research development and diversity, for institutional cultures, for institutional autonomy and for social responsibility and social justice considerations. All of these are differently configured in private institutions and by the use of cost recovery, corporate financing and other measures that seek to compensate for diminishing public financing.

   While dependence on the state poses its own constraints and freedoms, the new reliance on external financing for key prerequisites for the exercise freedom – for example, academic gatherings, collegial networking and associations –

makes academic freedom vulnerable to the exigencies of donors. The prospects of securing an adequate material base cannot realistically be separated from national political economic circumstances. As neither development aid money nor private corporate interests offer any substantive means for financing higher education elsewhere in the world, it seems fair to question why this is expected to be a feasible alternative to public funding in the dependent and impoverished economies that characterise the African landscape.

Favourable National Political Conditions

Major changes have occurred in many countries, notably with the transitions away from military dictatorship and towards multipartyism (in Nigeria, Kenya, Ghana, and a host of others). Both civilianisation and the introduction of party politics can be seen as national political responses to the demands of broad-based social movements which have pursued social justice and democratisation agendas. The extent to which direct repression and intimidation are reduced by these developments deserves to be properly assessed. In other nations civil disturbances and armed conflicts have seen institutions of higher education either destroyed completely or deprived to such an extent that there is little capacity for any academic activity (for example, in the Democratic Republic of the Congo, Somalia, Liberia and Sierra Leone). In the case of Rwanda a large proportion of the intelligentsia were eliminated during the genocide, creating dire capacity problems for those now seeking to rebuild and indeed develop new initiatives in the higher education sector.

On the favourable side the broader context of the last decade or so has seen a continuation of the trend towards political democratisation and greater respect for fundamental human rights and gender equality, at least formally, in many countries. Academics may be less likely to face imprisonment or official harassment in the emergent democracies of the last decade or so. However there are also countries in which the structural semblance of democratisation has given way to renewed authoritarianism, with improperly elected or appointed leaders operating in full complicity with the logic of market fundamentalism. In such contexts there is almost complete compliance with a reform agenda that continues to undermine the public financing of public education and diminishes the state's capacity to sustain and protect public higher education and attendant academic freedoms and social responsibilities.

Institutional Autonomy

Both the Kampala Declaration and the UNESCO Recommendations identify institutional autonomy as a necessary condition for academic freedom. However institutional autonomy is still compromised in many African nations where

the state controls the appointment of university leaders. However there have been some improvements in the context of political transitions. For example, in Nigeria, the 1998 transition to civilian rule led to the withdrawal of the Sole Administrators imposed on several universities by the military. In Uganda the NRM government has recently accepted that the president should no longer appoint the vice-chancellors of the national universities, and an independent search committee comprised of senior faculty has now been appointed.

Acceptable Employment Conditions

Both the Kampala and UNESCO instruments correctly identify security of tenure as a minimum prerequisite for the exercise of academic freedom. Yet security of tenure is increasingly threatened by higher education reforms that include a greater reliance on contract lecturers, the exploitation of student assistants and other strategies designed primarily to cut costs. As has been noted, 'such an environment has resulted in the comparative growth in non-tenured or contract positions and, to some degree, the "casualisation" of higher education employment' (ILO/UNESCO 2000: 49).

Clearly the implications of this erosion of tenure need to be examined, not least because casual employees are more vulnerable to censorship by their employers, as well as to self-censoring their work in order to secure further contracts. This has major implications for research, as the continuing deterioration of African research output indicates. Research activity has become increasingly reliant on consultancies carried out on behalf of funding agencies, rather than in pursuit of locally defined research interests and agendas. Meanwhile the dearth of opportunities for collegial interaction and networking, along with the limited access to decent libraries, academic journals and other publications have not been offset by the introduction of the worldwide web, which is also limited on most African campuses. In practical terms the demands of academic careers have proliferated in ways that are increasingly incompatible with time for the research and reflection essential to good quality intellectual production. Sabbatical leave, for example, recognised within both instruments as a precondition for academic freedom, has virtually ceased to exist in many institutions. Where it does still exist, it seldom serves its original purpose. Instead financially deprived faculty members find it necessary to use their sabbaticals to pursue income-generating activities or to seek more viable career opportunities abroad. They may also have to self-finance their sabbatical leave and find funds to cover their own replacements. Research production has become harder and harder to sustain, the commendable efforts of various continental and sub-regional networks notwithstanding.

These deteriorating employment conditions have fuelled the international out-migration of African academics and, for example, the non-return of over 42 percent of Africans who depart to the USA for doctoral study. The mass emigration that has occurred has been compounded by localised drainage of a different kind. The non-viability of academic careers has seen would-be professional academics engaging in a multiplicity of entrepreneurial activities, not all of them scholarly, both on and off campuses.

Support Services

The out-sourcing of many support services formerly provided by workers employed within public institutions to private companies has made it increasingly difficult to prevent abusive and exploitative practices. More importantly, subjecting such support services to the demands of profitability clearly affects both provision and affordability. Where the services concerned are those that women are disproportionately reliant on, out-sourcing is likely to affect the conditions enabling women to take up employment in higher education institutions, thus undermining the possibility of greater gender equality in the workplace.

In short the ongoing economic crisis and the global macro-economic responses to this have ensured that Africans are not guaranteed the right to pursue higher education, while academics have found themselves increasingly deprived of the most basic academic freedom – namely the right to pursue viable academic careers in their own countries or on their continent. The depletion of the employment conditions resulting from inadequate financing and deteriorating institutional and employment conditions, as well as the weakening of the national capacity to protect and strengthen higher education institutions, have created new challenges for academic freedom and have accelerated the brain drain.

While there have been significant advances in technology and improvements in the efficiency of university governance and administration, there is still little evidence that these much-lauded aspects of higher education reform have sufficiently enhanced the a priori conditions for the observance of academic freedom. The effects of the contemporary constraints for the quality of training and for the broader agenda of knowledge production have been profound. Such broad changes in the environment demand a radically different approach to academic freedom that takes it far beyond the realm of traditional jurisprudence and individualised protection into the public realm of social and collective rights and freedoms, and the need for various forms of public action for their defence.

Observance and Non-Observance

The previous discussion advocates a re-conceptualisation of academic freedom which goes beyond the previous focus on direct harassment by various parties and moves into an engagement with the economic and institutional conditions within contemporary African universities. However the existing information on observance and non-observance is limited to the existing thinking as it is reflected in the two CODESRIA and UNESCO instruments. There is therefore a profound sense in which the reporting on abuses of academic freedom has been overtaken by events. This means that the technical questions about each instrument and the quest for indicators and methodologies that might be used to monitor and ensure observance have been overtaken by contextual changes. The instruments themselves need to be reconsidered along with the development of strategies for monitoring their efficacy. The available information at the present time should therefore be viewed bearing in mind the fact that it has been gathered on the basis of the traditional understandings and the key players identified during the 1980s and 1990s. The material present below therefore considers the abuses by the usual players – the state, the university administrations, the African academic community and the variously represented public and civil society interests. In view of the contextual changes discussed here, I also consider aspects of non-observance arising out of the emerging conditions, that is, emanating from the absence or erosion of the already-identified preconditions for academic freedom.

Non-Observance According to Conventional Understandings
This refers to actions and practices that directly constrain academic freedom such as:

- harassment, intimidation, execution/assassination, detention, censorship, seizure of documents, etc. by various state agencies, campus occupations, closures or intrusions into the governance and administration of the university

- harassment, intimidation, execution/assassination, attack and abuse by civil society groups
- expulsions, sackings, threats and intimidation of students and faculty by university authorities
- failure to protect staff or students from harassment, intimidation, attack and abuse by other members of the university community.

All these have continued to occur. The 1996 CODESRIA report is replete with examples of all the above-listed direct non-observances, as are other reports on

human rights violations in Africa during the recent period. Clearly the national political trend towards greater democratisation has a long way to go in terms of academic freedom. There are some promising cases of increased institutional autonomy (Uganda and Nigeria have been noted) and, in some countries such as Nigeria, Kenya and Ghana, the level of direct state intervention has decreased. In other countries, however, the head of state is still chancellor of the public universities, and has the right to appoint vice-chancellors. Intimidation, seizures of documents, arbitrary arrests, bannings, withdrawal of travelling documents and non-issue of visas, campus occupations as well as closures and staff dismissals still occur frequently.

Some documented examples of non-observance by the state include the following. Professor Niyi Osyundare was prevented from travelling to South Africa in 2002 when representatives of Nigeria's civilian government seized his passport. The Kenyan government did not issue visas to the Nigerian delegation invited to attend the international Conference on Innovations in Higher Education in Nairobi in 2002. Kenyan academics and students are required to obtain official clearance to travel outside Kenya. They start with their head of department, then with their dean of faculty, the principal and finally the vice-chancellor. When all that has been obtained, official government clearance must then be obtained from the Ministry of Education and the Office of the President. Saad Eddin Ibrahim, a prominent Egyptian sociologist and critic of the government, went on trial for reporting on elections in October 2000, accepting foreign funds without authorisation and a charge of embezzlement. On 21 May 2001, Ibrahim and twenty-seven of his colleagues from the Ibn Kjaldun Centre for Development Studies were convicted. Ibrahim was sentenced to seven years in prison, and six others (including two women) were given custodial sentences of between two and five years. Ethiopian security forces used excessive force to deal with student protests in April 2001. At least forty people were killed. Eyewitnesses reported that live ammunition was fired at protesters and that unresisting bystanders including children were beaten. Over 2,000 students were detained and an unknown number have remained in jail. In Eritrea student protests against the conditions in the camps accommodating them during a compulsory summer work programme. Semere Kesete, the president of the Asmara University Student Council, was arrested and jailed without charge on 31 July. On 10 August, 400 students protesting Kesete's arrest were rounded up and sent to a work camp in the desert, and 1,700 more were later taken to join them. The government acknowledged that at least two died of heatstroke. Some parents of the resisting students were also arrested. The University of Abidjan, Côte d'Ivoire has been subject to frequent closures and

occupations by the security forces, often without any request from the university authorities. Public universities in Kenya have seen frequent closures, ostensibly to deal with students expressing views considered to be anti-government, usually accompanied by expulsions of student leaders. Over 500 Nigerian students and staff were said to have been victimised for their political views in at least five of the country's thirty universities between 1985 and 1993. The relationship between the Academic Staff Union of Universities (ASUU) deteriorated to a situation of running battles between the military and its appointed vice-chancellors on the one hand and the ASUU on the other. ASUU members became the target of endless instances of harassment, incarceration without trial ("preventative detention") and purges, with concerted attempts being made to bribe and displace the leadership. In 1990 the Nigerian government endowed the Minister of Education with the power to sack academics from any university in the country. The government has sent the police onto the University of Zimbabwe campus on numerous occasions between 1996 and the present time, where they have deployed tear gas and rubber bullets to disperse and terrorise students. This destabilisation has resulted in frequent and sometimes lengthy closures of the university.

Some documented examples of non-observance by university administrations include the following.

The government-appointed vice-chancellor of the University of Abuja, Professor Isa Mohammed, engaged in a variety of despotic practices and, when challenged, had no hesitation in declaring his total authority when he said, 'I am the law'. Many Nigerian academics have been summarily dismissed from their jobs, while others have opted to leave after threats and intimidation. Academics in Usman Dan Fodio University have been subjected to harassment and intimidation by the university authorities. In 1998 Dr Jibrin Ibrahim, a political scientist at Ahmadu Bello University, was sacked. After various advocacy efforts and legal representations to the Sole Administrator of the day he was reinstated but left the university to work for an international agency shortly thereafter. The Chair of African Studies, Professor Mamdani, was suspended from the University of Cape Town in 1998 during a controversy over the curriculum content in African Studies. He was subsequently re-instated but resigned from his tenured position and emigrated to the US shortly thereafter. Unauthorised meetings and gatherings are proscribed on many campuses. On other campuses such meetings invoke intimidation and surveillance from the "campus protection services", as has been experienced on a number of South African campuses in the aftermath of a major out-sourcing of service workers which has generated new workers' organisations. Expulsions, non-graduation, and missing records are incidents which are hard to monitor as they are generally carried out against student leaders and activists

and critics under an official pretext. Sometimes these are linked to the non-accommodation of demands for sexual favours. Non-promotion, non-availability of opportunities for further education and training and other constraints have been imposed by senior colleagues as a result of an increasingly constrained and competitive institutional environment, peer envy and discriminatory values. Financial extortions perpetrated against students include the practice of lecturers compelling students to purchase photocopies from them or fail their courses and the widespread extortion of sexual favours from female students on campuses in Nigeria, Cameroon and elsewhere. Non-payment of salaries for long periods often compounds the prevalence of extortion and other corrupt practices, as lecturers grow increasingly desperate to ensure their own economic survival.

Challenges to academic freedom from civil society often arise from the increasing levels of intimidation and violence being perpetrated by civil society groups. In Algeria, for example, numerous academics have been assassinated and many others attacked and intimidated by Islamic fundamentalist groups. In Nigeria on-campus student organisations commonly referred to as "cults" impose regimes of intimidation and terror that affect the academic freedom and security status of students and faculty. The Dar es Salaam case cited above was orchestrated by a student group, as was the assault on Dr Phiri reported below. The reticence or complicity of university administrations in dealing with such groups seems to warrant further investigation.

Some additional examples of non-observance by civil society include the following. In March 2001, Khedija Cherif, a sociologist at the University of Tunis and a prominent women's rights advocate, was attacked by a group of people. She was beaten, sexually harassed and verbally abused. Also in 2001 unidentified assailants attacked Abdel Kader Ben Khemis, a professor at the University of Sousse, who is known for his critical views. In the single year 1993-1994 at least twenty intellectuals were assassinated in Algeria. Some of them were publicly executed as a warning to their colleagues, and this campaign of violence and intimidation has continued, largely displacing the state repression of the previous era. Cults on the Nigerian university campuses at Ibadan, Ife and Benin have used rituals and acts of intimidation to inspire fear into the hearts of faculty and students alike.

Non-Observance Due to Deterioration of the Prerequisites for Academic Freedom

It has become increasingly clear that it is unrealistic to isolate the protection of academic freedom from the broader struggles for democracy and social justice, struggles that go well beyond the liberal individualism and legalistic un-

derpinning of traditional human rights discourses. In this context the articles concerning the obligations of the state deserve reconsideration. To what extent is it feasible for African states to resist the logic of international financial institutions in order to ensure adequate funding for research institutions and higher education? Clearly this would, at a minimum, require serious pressure from civil society and the African public, possibly in the context of national and sub-regional public debates that might lead to a re-commitment to public education. How far can regional and national mobilisations be effective in the context of globalisation and the related impact of an externally driven and financed higher education reform process?

The global trend towards "financial diversification" of tertiary education seems likely to exacerbate rather than reduce existing patterns of exclusion and inequality and to diminish the possibility of honouring commitments to equality and public accountability, both locally and globally. Higher education reform is an integral aspect of globalisation. With the world market for educational services exceeding 30 billion dollars, it is not surprising to find free trade advocates engineering the inclusion of education in the General Agreement on Trade in Services (Altbach 2003). The same source notes that the USA is already a major exporter of educational services, and benefits enormously from the 547,000 foreign students attending higher education institutions in the USA, as they contribute approximately 11 billion dollars to the US economy each year.

Needless to say, African higher education institutions are poorly placed to compete with the largest and most diverse higher education systems in the world. The reduction in public funding exacerbates the deteriorating situation, and the brain drain is a direct reflection of this fact. Furthermore there is little evidence that the limited partnership arrangements between US and African institutions effectively benefit African partners and some evidence to the contrary (Samoff and Caroll 2002). The emergence of private colleges and universities has been facilitated by a combination of national conditions (rising demands and shrinking public provision) and the globalisation of higher education now manifesting not so much through international academic exchanges and collaboration as through the reform process.

Longstanding inequities of access seem likely to be compounded by financial diversification (cost recovery, removal of subsidies and out-sourcing of services). Growing poverty mediates and exacerbates existing patterns of privilege and under-privilege, thus militating against the emergence of more egalitarian collegial cultures. The increasingly fragmented nature of academic life poses certain challenges, as does the prevailing culture of competitiveness augmented by scarce resources and growing competitiveness. The changing institutional

environment continues to sustain corrupt, harassing, domineering and oppressive behaviour.

With regard to the observance of gender equality, discrimination takes direct and indirect forms. It can be argued that all of these constitute non-observance of women's right to academic freedom, particularly of the UNESCO Recommendations' provisions for gender equality. However, where gender discrimination continues in systemic manifestations, it also functions more pervasively and elusively as an aspect of the overall conditions that prevent observance. In other words, the abuse of academic freedom through gender dynamics should not be limited to consideration of extreme instances of rape, abuse, proven cases of discrimination in promotions and the like. The broader picture is a more mundane one in which observance is hindered simply by the inherent logic of male dominated institutional cultures.

Institutional and administrative tolerance of sexual abuse is one of the more negative and extreme features of African universities, one which clearly works to re-inscribe women's subordination and diminish the prospects for equal treatment. The non-protection of students and staff leaves them open to harassment and intimidation. A case in point is that of Isabel Apawo Phiri during her tenure at Chancellor College in Malawi. Dr Phiri undertook a research project whose findings suggested that women students experienced a high incidence of rape and sexual harassment by peers and lecturers, both on and off the campus, and that most of this went unreported. The dissemination of her report and radio coverage of her findings provoked a campaign of refutation, harassment and intimidation. Her house was attacked and damaged. The university administration failed to offer her alternative accommodation in the face of threats to burn down her home and issued a statement that more or less blamed her for the incident. Her findings were disputed, and she was subjected to intense hostility from many colleagues. The head of the law department was among those who objected to her treatment and who demanded that measures be taken to deal with these serious violations of academic freedom. Dr Phiri was obliged to hire a lawyer to seek compensation and subsequently applied for leave to recover from her ordeal. She subsequently left her position to take up employment elsewhere. A second well-known instance of non-observance through failure to offer adequate protection against sexual harassment is that of Levina Mukasa, a student at the University of Dar es Salaam who committed suicide after enduring a lengthy campaign of intimidation and abuse after she refused a relationship with a male student.

While sexual abuse and harassment of women students may not fall into the received definitions of academic freedom, it is clear that institutional tolerance of such behaviour mitigates against expressed commitments to fair

and just treatment and should be regarded as one of the factors responsible for the persisting under-representation and marginalisation of women in African higher education. Women faculty, particularly those at junior levels, are also subject to unwarranted sexual attention and may find their career advancement affected. The prevailing gender norms and values allow male students, lecturers, and members of the general public to take advantage of the situation with few qualms and little threat to their careers, while women are negatively marked and affected (Pereira 2002; Manuh et al. 2002). Concerted monitoring of sexual harassment and abuse has only recently been undertaken at some universities, notably through the activities of the Southern African Network of Tertiary Institutions Challenging Sexual Harassment and Abuse, established in Gaborone in 1996. A review of the evidence on gender inequality and sexual abuse in African universities indicates clearly that the efforts to build a just and egalitarian intellectual community still have a very long way to go. Given the rising HIV infection rates on many campuses (especially in Southern Africa) and the rising presence of AIDS itself, there are now additional concerns around the prevailing sexual politics within campus cultures. Neglecting the dynamics of gender and sexuality not only threatens the academic freedom of individual women and men but goes much further to threaten the lives of students and faculty alike (Kelly 2003).

The new regulatory systems and procedures introduced into higher education also deserve scrutiny from the perspective of academic freedom. Academics are expressing concern over the implications of the new performance appraisal systems, not least because these tend to foster external (Western) over-determination by adopting Western measures of excellence. For example the adoption of the Citation Index as a measure for rating African scholarship has obvious implications for intellectual autonomy and directly undermines the national political commitment to locally produced scholarship addressing local concerns and research agendas. Neglecting the scholarship of local and continental colleagues in favour of relatively distant Western sources is already a commonplace form of self-censorship that compromises continental intellectual development, in favour of Western recognition, regardless of relevance to local and/or regional concerns. This is clearly undesirable, yet it is already becoming institutionalised as a necessary practice for any African scholar seeking promotion.

Effects of Non-Observance on Knowledge Production

Non-observance resulting from the continued deterioration of conditions in higher education institutions has affected both the quantity and the quality of

scholarship and research produced by African academics. While some of these issues were flagged at the Kampala conference, they were not nearly as salient then as they have since become. Meanwhile Africa's contribution to global scholarship, research production and publication continues to deteriorate; the continent now relying increasingly on those who have migrated to more viable institutions in the West. More broadly, the non-viability of academic careers raises the alarming spectre of an even more denuded future as fewer and fewer of today's students even consider the academy a career option.

Within higher education institutions the professional role of academics is also diversifying, gaining additional functions that include self-administration in the name of efficiency. The development of new technologies has fuelled the assumption that support staff can be reduced in the name of efficiency, as personal computers and developments in telecommunications replace secretarial functions. At senior levels this role diversification often includes that addition of administrative, fund-raising and consultancy work. These additional activities create greater loading, but are increasingly being adopted as a necessary means of topping up departmental income deficits and maintaining teaching delivery. These additional demands deplete the time and energy available for teaching, not to mention knowledge production through research, in ways that deserve monitoring from the perspective of the freedom to carry out one's teaching and research duties under reasonable conditions of employment. The reliance on donor funds is highly undesirable, as it constantly risks compromising the emergence of national and socially responsible intellectual agendas in favour of donor agendas that often carry particular brands of developmentalism.

Just as academic freedom should be considered a necessary condition for knowledge production, so too is academic freedom severely compromised by the absence of African knowledge production. Scholars and analysts are forced to rely on imported knowledge and resources, much of it derived in contexts that may have little or no relevance to the pressing challenges facing Africans. Reliance on irrelevant resources, and being compelled to cite them in order to be published in accredited journals, can even retard the development of locally relevant theories and paradigms, thus compromising indigenous knowledge production. Those still struggling to find ways of continuing to carry out research often find themselves reliant on unequal partnerships with well-funded Western scholars or dependent on the generosity of donor agencies willing to fund research for their own reasons.

Conclusion

Broadly speaking, the situational update and analysis and review carried out here indicates that existing instruments do not fully or adequately reflect or respond to the major challenges facing higher education in Africa at the present time. To some extent they are limited by their liberal human rights orientation and the focus on the state both as an arbiter of freedom and as the major funder of academic institutions. This kind of generic approach to academic freedom may be insufficiently attentive to the changing context and to the marked local variations in conditions in the absence of local uptake and engagement with academic freedom in specific national and institutional contexts. However, it needs to be said that in the 1990s it would have been hard to anticipate the rapidity with which the new challenges of globalisation – and within this the marketisation of higher education – would gain ground during the last decade. Yet these are the major forces creating the need to re-think the meaning of academic freedom. Incorporating the implications of these changes for higher education into instruments designed to protect and advance academic freedom clearly requires substantially more work than a review such as this can under-take.

The present context is one in which it is more important than ever to devote serious attention to developing broader and deeper thinking about the conceptualisation, development and pursuit of academic freedom in African contexts. Never has the imperative to strengthen African intellectual life been stronger. The underdeveloped condition of the continent demands a much higher level of intellectual, strategic and creative capacity. Academic freedom is an essential condition for the development of a vibrant and socially engaged intellectual culture, and in African contexts the constraints range from the most overt to the most invidious forms of self-regulation and censorship, which appear to be gaining ground in the context of marketisation. It seems that in some ways the naked repression of undemocratic states has been largely displaced by the poorly substantiated and little understood logic of "market forces".

The reflections that opened the Kampala conference in 1990 contained many prescient ideas which are still relevant. In particular the argument that academic freedom cannot be separated from social responsibility in African contexts remains pertinent, not least because of the growing importance of civil society in the context of the ongoing democratisation of many nations. New conditions create new challenges. Among these are the ongoing brain drain, the persistence of gender inequality, the emergence and spread of HIV/AIDS, the new technological advances and the new modes of administration, regulation and self-censorship, which have all been discussed here.

A gender analysis suggests that formal provisions have been inadequate and inadequately implemented. Despite the provisions for equity in both the Kampala Declaration and the UNESCO Recommendations, higher education institutions are still far from equitable. Despite decades of official pronouncements on the need to eliminate gender inequality, less than 12 percent of Africa's university faculty, and less than 3 percent of the professoriate, are women (Ajayi et al. 1996). Clearly more than declarations and pronouncements are needed to bring about change, even at the minimal level of access, not to mention equal academic freedom.

The call in the Kampala Declaration for the building of groups, associations, communities and networks, both within and across countries, assumes even greater significance in the present context, even though the challenges involved in establishing and maintaining such linkages remain intense. On the positive side the introduction of information and communication technologies has already facilitated the emergence of a number of new collegial and research networks across the region and enhanced the work of existing associations. The scope for using ICT both to pursue monitoring and the necessary strategising for the advance of academic freedom is substantial, but should not be overstated. ICT cannot overcome the need for time, resources and adequate means to support the development and replacement of specialised academic skills and expertise.

The above review and analysis reminds us that a well-grounded understanding of the meaning and possibility of academic freedom in African contexts is an indispensable pre-condition for the revitalisation of Africa's higher education sector. It is an integral reflection of the wider societal freedoms and responsibilities, which are being strengthened as Africa moves to embrace democratisation, peace and social justice for all in the twenty-first century. The securing and advancement of academic freedom is a basic prerequisite for the development of a vibrant continental intellectual culture, which draws on the diverse perspectives of the widest possible range of social groups and which can produce both the knower and the knowledge that Africa needs to think her way out of crises and move forward into the twenty-first century.

The following recommendations are a unified package which needs to be implemented as such in order to be effective.

- A more comprehensive revisiting and revision of existing understandings of academic freedom, as reflected in the Kampala Declaration on Academic Freedom and Social Responsibility, and the UNESCO statement. This should take full cognisance of contemporary challenges to public higher education, most notably the shift from the imperatives of the

state to those of the market and the implications for equity within higher education institutions.

- A broad programme of national and sub-regional activities designed to establish and reaffirm the public stake in higher education by establishing the connections between national agendas for democratisation, strong and unfettered intellectual capacity drawn from all sectors of the society, and the broad goals of sustainable, equitable and democratised development processes.

- The strengthening and protection of, and where necessary the establishment of academically free and independent, national, sub-regional and regional research and reflection centres dedicated to the reproduction of continentally grounded critical thinkers and researchers competent to identify and engage strategically with the major contemporary challenges to African development in key areas of policy specialisation.

- The re-establishment and support of an independent regional programme to monitor and report on academic freedom and to continuously affirm the link between academic freedom and social responsibility in the context of democratisation and the strengthening of secular civil society.

- The promotion of national, sub-regional and regional dialogues designed to strengthen broader awareness about the crucial importance of academic freedom and to build a wide social consensus at all levels of society and in the local and global policy establishment. In this regard ministers of education, UNESCO and other organisations should play a pro-active role in this mobilisation and popularisation effort, taking it as part of their official mandate and linking it to other aspects of the ongoing national and regional development and democratisation efforts.

- The greater recognition of the need for more attention to be paid to the creation of the basic, supportive environment necessary for academics to function in the first place as academics and then to promote their freedoms.

- The encouragement of countries to adopt policies that facilitate the cross-border movement of scholars in the knowledge that scholarly mobility and the ability to belong to, as well as exchange with, other scientific communities are integral to the promotion of the freedom of thought and academic freedom.

Notes

1   For example, the fact that primary teachers are produced in the tertiary sector seems to have escaped the attention of the basic needs advocates.

2   While these efforts are still in progress, some of the material from the four
       commissioned case studies has been included as a valuable source of informa-
       tion on the overall scenario with regard to the reform effort. The Ghana case
       study (Manuh et al. 2002) and part of the Nigerian case study (Pereira 2002)
       were procured from the researchers, along with discussions of the reform ef-
       forts in Uganda (Musisi 2003), and privatisation in Kenya (Murunga 2001).
       Efforts to procure the others from the Higher Education Partnership were on-
       going at the time of writing this paper.

3   It is possible to discern a range of approaches among these various funding
       agencies, but a serious comparative study has yet to be carried out. Such a
       study would assist in assessing the prospects and options currently facing the
       sector.

4   AAWORD and the African Gender Institute are among those that articulate a
       perspective defined in terms of African women's interests expressed in the
       AGI's stated objective of 'building knowledges for gender equity.'

5   The 2003 retreat sponsored by the Ford Foundation provides an example (see
       Report of the Ford Foundation Retreat 'Visioning African Higher Education
       for the 21st Century').

References

AAU, 2001, 'Declaration on the African University in the Third Millennium'.
       (www.aau.org/releases/declaration.htm). 18 August 2006.

Ajayi, J., Goma L., and Ampah J. G., eds., 1996, *The African Experience with Higher
       Education*, Oxford: James Currey.

Ake, C., 1994, *Democratization and Disempowerment in Africa*, Lagos: Malthouse
       Press.

Altbach, P. G., 2003, 'The United States and the International Education Trade', in
       International Higher Education, No 31, Boston: The Boston College Center
       for International Higher Education.

Bennett J., 2002, 'Exploration of a "Gap": Strategising Gender Equity in African
       Universities', *Feminist Africa*, Vol. 1, No. 2.

Diouf, M. and Mamdani, M., eds., 1994, *Academic Freedom in Africa*. Dakar:
       CODESRIA.

Hountondji P., 2002, *The Struggle for Meaning: Reflection on Philosophy, Culture
       and Democracy in Africa*, Columbus OH: Ohio State University Press.

ILO/UNESCO, 2000, *Joint ILO/UNESCO Committee of Experts on the Applica-
       tion of the Recommendations concerning the Status of Teaching Personnel*,
       Seventh Session Geneva. (www.ilo.org/public/english/dialogue/sector/techmeet/
       ceatr.htm). 18 August 2006.

Mama, A., 2003, 'Restore, Reform but do not Transform: The Gender Politics of
       Higher Education in Africa', *Journal of Higher Education in Africa,* Vol. 1, No.
       1.

Manuh, T. et al., 2003, *Change and Transformation in Ghana's Publicly Funded Universities: A Study of Experiences, Lessons and Opportunities.*

Mkandawire, T., and Soludo, C., 1999, *Our Continent, Our Future: African Perspectives on Structural Adjustment*, Dakar: IDRC/CODESRIA.

Murunga G., 2001, 'Private Universities in the Kenyan Higher Education Experience', *CODESRIA Bulletin* Nos 1 & 2.

Musisi, N. et al., 2001, *Makerere University in Transition 1993–2000: Opportunities and Challenges*.

Oloka-Onyango, J., and Tamale S., 2000, '"Bitches" at the Academy: Gender and Academic Freedom in Africa' in E. Sall, ed., 2000, *Women in Academia: Gender and Academic Freedom in Africa*. CODESRIA State of Academic Freedom Series, Dakar: CODESRIA.

Pereira C., 2002, *A Gender Analysis of the Nigerian University System* (forthcoming).

Ramphele, M., 2002, *Steering by the Stars: Being Young in South Africa*, Cape Town: Tafelberg.

Sall, E., ed., 2000, *Women in Academia: Gender and Academic Freedom in Africa*, CODESRIA State of Academic Freedom Series, Dakar: CODESRIA.

Samoff, J., and Caroll, B., 2002, 'The Promise of Partnership and Continuities of Dependence: External Support to Higher education in Africa', paper presented at the 45th Annual Meeting of the African Studies Association, Washington, DC, 5–8 December.

Sawyerr, A., 2002, 'Challenges facing African Universities: Selected Issues', paper presented at the 45th Annual Meeting of the African Studies Association, Washington DC, 5–8 December.

Singh, M., 2001, 'Re-Inserting the 'Public Good' into Higher Education Transformation', *Kagisano Council on Higher Education (CHE) Discussion Series*, No. 1.

UNESCO, 1997, *Recommendations Concerning the Status of Higher Education Teaching Personnel*, Paris: UNESCO.

World Bank, 2002, Constructing Knowledge Societies: New Challenges for Tertiary Education, Washington DC: World Bank.