

# **Democracy and University Education in Nigeria: Some Constitutional Considerations**

by

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*This paper examines the implications of the fourth republican constitution on university education in Nigeria. Specifically, the paper discusses the educational provisions of the new democratic constitution in Nigeria and how they are likely to affect the planning and administration of university education in the post military era. The paper contends that the nascent democracy in Nigeria makes a democratic governance of universities in the country imperative.*

## Introduction

Since independence in 1960, Nigeria has undergone many political changes. These changes have affected every facet of the nation's life including the planning and administration of universities. For instance, Arikewuyo (1996) reported that after independence in 1960, federal and regional governments established four more universities in addition to the University College, Ibadan, established by the colonial government in 1948. He also reported that during the military rule (1966 and 1979), more universities were established to bring the total to thirteen. During the Second Republic (1<sup>st</sup> October, 1979 – 31<sup>st</sup> December, 1983), when democratic rule was again restored in Nigeria, thirteen additional universities were established by both federal and state governments. When the military regime came back to the polity in December 1983, the number increased. Consequently, by 29<sup>th</sup> May, 1999, when the military returned to the barracks, there were 35 government owned universities in Nigeria, made up of 24 federal and 11 state universities. Three private universities were also licenced to take off.

No doubt, the constitution of a country refers to a document which has a special legal sanctity and which spells out the purpose or framework of government and the division of power between the various organs of government such as the legislature, executive and judiciary. A constitution is also a body of fundamental rules by which a country is governed. It establishes and regulates the structure, organization and functions of the government of a given state. Constitution is an essential machinery, that point of reference, from which the laws of the land can be interpreted. It is therefore a document embodying the rules and regulations by which the behaviour of the people is regulated. (Oluya, Olu-Braimoh and Okege, 1999).

The objective of this paper is therefore to critically examine some provisions of this latest constitution as it will affect the planning and administration of university education in Nigeria. This is being done with a view to examining what a post military regime portends for university education in Nigeria.

## Educational objectives of Nigeria

Section 18, sub-section 1 – 3 of the 1999 constitution states *inter alia*:

1. Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels;

2. Government shall promote science and technology;
3. Government shall strive to eradicate illiteracy and to this end, government shall as and when practicable provide:
  - a) Free, compulsory and universal primary education,
  - b) Free secondary education.

The above objectives, if properly examined, have some implications for university education in Nigeria. First is the fact that there would be equal and adequate university education for the citizens. This implies that universities must be located very close to the people in such a way that people may not have to travel for a long distance before benefiting from University education. Okogie (2004) reported that as at 2004, there are 53 universities in Nigeria. Of this total, 25 are owned by the federal government, 20 by state governments, while 8 are private universities. He however contended that the number appears to be inadequate because out of over one million candidates that sat for University Matriculation Examination (UME) in 2004, the universities could only admit 154 000 (representing 15%). He also indicated that with an enrolment of 325 299 in 1999/2000, the opportunity for adequate university education in Nigeria is still not realizable. The point being stressed here is that although the universities appeared to be evenly distributed for easy accessibility, the number of spaces available to guarantee adequacy is still very low.

The constitution also enjoins that there should be equal university education for all citizens. This implies that there should be no discrimination on the ground of sex, tribe, religion or state of origin, in the admission of candidates into the universities. This therefore brings us to the issue of the admission policy to universities. Before the advent of the present democratic government, the admission of students into the universities was based on the following criteria:

- |                                      |                       |
|--------------------------------------|-----------------------|
| ● Merit                              | – 40%                 |
| ● Catchment area                     | – 30%                 |
| ● Educationally disadvantaged states | – 20%                 |
| ● Discretion                         | – 10% (Obilade, 1992) |

This policy has often been criticized by many Nigerians as being unfair. According to Obilade, the policy does not sympathize with the possibility that students from the disadvantaged states and catchment areas may not have applied to the particular university. Yet, all universities are expected to actively attempt to recruit students from these areas. This politicisation of admission has the effect of forcing integration and eroding the autonomy of the university system. Similarly, one of the fundamental objectives of this quota policy is to achieve a balanced development of the different sectors of the economy and the various geographical areas of the country. The quota system is also based on the

assumption that national unity, national awareness and national spirit could be forged and that citizens from all parts of country would persistently claim their fundamental human rights as entrenched in the constitution of the land when all the citizens in all the states are well educated (Bamisaïye, 1992).

For the purpose of clarity, catchment area refers to a geographical area, from which a particular university is expected to select its candidates. Educationally disadvantaged states are those states that are considered by the Government to be educationally backward and which should be assisted. In Nigeria, those states include: Sokoto, Taraba, Bauchi, Nasarawa, Gombe, Borno, and Yobe.

However the new democratic Government slightly amended this admission criterion. At the meeting of the Federal Executive Council, held on 22 September, 2000, the Government approved new admission guidelines into the universities as follows: Merit 45%; Catchment area 35% and educationally disadvantaged states 20%. Inevitably the 10% hitherto reserved as discretionary was abolished. This shows that the Nigerian Government cannot possibly discard the politicisation of admission in the country. The principle of federal character has been entrenched in the constitution and so the quota system remains pronounced in all facets of life, including university admission. But this system, to say the least, is detrimental to the principles of justice and fairplay, because it denies many qualified candidates admission. It is in this respect that Ajayi (1989) suggested that each university, through the admission board, should be free to admit its own students on the criterion of merit without discrimination. According to him, a national policy for equal opportunity for higher education needs to be developed. This, he believed, would help to promote national unity, rather than the present quota policy which has helped to magnify the problem of national unity and integration by increasing the concentration of students in the universities in their locality.

Secondly, the objective of Nigerian education is to promote science and technology. This is in line with the provisions of the National Policy on Education (Revised) (1998), which states:

- a) A greater proportion of expenditure on university education shall be devoted to science and technology;
- b) Not less than 60% of places shall be allocated to science and science-related courses in the conventional universities and not less than 80% in the universities of technology. (Section 55, a – b).

However, the pattern of enrolment and graduation in some of our universities appears to be in sharp contrast to policy guidelines. For instance, at the Olabisi Onabanjo University (formerly Ogun State University, Ago-Iwoye), which is one of the third generation universities, out of the total students enrolment of 11 065 in 1999/2000 session, 3 193 (29%) are studying

science based courses, while 7 869 (71%) are enrolled for the liberal arts and social sciences. (Academic Affairs Office, Ago-Iwoye, 2000). Similarly, at the University of Ibadan, which is the oldest and biggest university in the country, the pattern of graduates being produced is still in favour of non-science based courses. At the University's convocation, held on 17 November, 2000, out of a total of 3 866 first degree graduands, 2 366 (61%) studied Arts and Social Sciences related courses, while 1 500 (39%) read science based courses. Also, the University graduated 2 975 higher degree holders during the same convocation. Out of this number 2 183 (73.3%) were in the humanities related courses, while 792 (27%) were in the sciences. (*Convocation document*, 2000).

This picture is very disturbing because it is an indication that since 1977, when the National Policy on Education first recommended a 60:40 ratio in favour of sciences, there have often been gaps between rhetoric and reality, promise and provision, investment and productivity in science education in the country (Balogun, 1982). This is particularly so because basic infrastructural facilities to teach science subjects are still lacking in our secondary schools; so are the required number of teachers, as well as technical support personnel (Ajeyalemi, 1986). Even the performance of students in the sciences at secondary school is worrisome. In 1996, out of 132 768 candidates who sat for Physics in the school certificate examination, only 16 929 (12.7%) obtained credits, while 75 446 (56.8%) failed outright. In the same year, 144 990 sat for chemistry, but only 68 514 (47.2%) passed at credit level. The performance in Mathematics is even worse, with only 10% making it at credit level (Popoola, 1997). The Federal Ministry of Education (2003) also reported that in 2000, in the November/December West African School Certificate Examination, only 10.4% made credit passes in Biology; 7.0% in Chemistry; 41.6% in Physics while 46.1% made credit passes in Mathematics. This poor performance was also recorded in 2001 with only 20.4% having credit passes in Biology; 24.7% in Chemistry; 48.4% in Physics, while 41.6% made credit passes in Mathematics.

Thus, as long as these problems persist in science teaching at the secondary level, the inputs into the university will continue to be in favour of the liberal arts. The implication of the above analysis is that although the constitution enjoins the Government to encourage the teaching of science and technology based courses in our educational institutions (including universities), the problems highlighted here need to be adequately addressed. Otherwise, the objective may be difficult to attain.

However, this constitutional provision must not be mis-represented to suggest that the humanities should be discouraged. Subjects like literature, history, fine arts, moral instruction, etc, are still relevant in the socio-political structure of the country. Lawal (1986) agreed that although the economy needs science and technology in order to keep pace with the rest of the world, these

could be fruitful only if placed within a cultural context. Therefore, the government must ensure that both the humanities and sciences are well catered for at the universities, in terms of teaching personnel and instructional facilities.

The educational objectives of the country are silent about free university education. Even for primary and secondary education, it is not free. By inserting the phrase, *as and when practicable*, the constitution has left the decision on when free education would become operational, to the government in power at any point in time. Thus, while a government may decide to practice free primary and secondary education, another government may call it non-practicable. Perhaps this is why the present government is restricting its Universal Basic Education (UBE) Programme to only primary and junior secondary schools.

### **University education on the concurrent list**

Under the 1999 constitution, university education is on the concurrent legislative list. Section 28 of the Part II (Concurrent legislative list) states *inter alia*:

“The power conferred on the National Assembly under paragraph 27 of this item shall include power to establish an institution for the purposes of university, post-primary, technology or professional education”.

Similarly, section 30 states *inter alia*:

“Nothing in the foregoing paragraph of this item shall be construed so as to limit the power of a House of Assembly to make laws (...)

for the state with respect to technical, vocational, post-primary, primary or other forms of education, including the establishment of institutions for the pursuit of such education”.

The implication of these provisions is that both federal and state governments are free to establish and run universities. Indeed, since May 1999, when democratic rule was restored in Nigeria, in exercise of the provisions some state governments have established universities of their own. Such universities include: Ebonyi State University, Abakaliki; Kogi State University, Ayingba; Adekunle Ajasin University, Akungba-Akoko; and Kano University of Technology (JAMB, 2001). This perhaps takes us back to the Second Republic (1979-1983), when thirteen universities were established by federal and state governments, within four years (Ajayi 1990). During that period, a State Governor, while addressing a meeting of the Committee of Vice Chancellors, was quoted to have said:

“we are now in an age of proliferation of universities. Whether you like it or not, new universities are bound to be created for many reasons including political considerations” (Ogunsola, 1983).

With a new democratic government in place, are we now back to the era of proliferation of universities? This is a question for Nigerians and the Government to answer.

## **Private universities**

During the democratic rule of the Second Republic, (1979-1983), attempts were made at establishing private universities in Nigeria. Ajayi (1990) reported that there were proposals by some individuals and corporate bodies to establish private universities in the country. Initially declared illegal by the then Government, private universities were given a legal backing by the Supreme Court judgement of 30 March 1983, in favour of the Imo Technical University, founded by Dr. Basil Ukaegbu. But when the military came back to power in December 1983, all private universities were proscribed. However, the same military regime later gave a legal backing to private universities with the promulgation of Education (National Minimum Standard and Establishment of Institutions Amendment) Decree No. 9 of 1993. Thus, on 10 May 1999, three private universities were licenced by the military government. They were: Babcock University, Igbinedion University and Madonna University. More private universities have since been approved by the federal Government. Indeed, private universities, have grown over the years in other parts of Africa, especially in Kenya and South Africa. Addison (1995) reported that in Kenya the number of private universities rose from one in 1980 to eleven in 1993. He also reported that students seek admission into private universities because of periodic strikes and closure, which often characterise government owned universities. It is in this respect that Obanya (1999) agreed that guidelines for the establishment of private universities in Nigeria should be relaxed, so that people who have ideas on university education will be encouraged to try them. He believed that perhaps one of these universities might produce tomorrow's wonder higher-education model for critics and law-givers to copy.

But desirable as the establishment of private universities is, a high level of caution must be ensured. The proliferation of these institutions should be strictly controlled and monitored. The National Universities Commission (NUC) must be strengthened to ensure that standards are maintained. Since the Supreme Court had earlier legalised private universities in 1983, there is the likelihood that, now that the country is back on democratic trail, private universities will grow in number.

This is why considerations must be given to issues concerning these private universities, which were earlier raised by the Academic Staff Union of Universities (ASUU). These include:

- the capacity of the NUC to enforce minimum academic standards in the universities;

- the ability of the universities to provide secured conditions of service;
- the ability and willingness of private proprietors to provide adequate funding for private universities;
- their readiness to commit themselves to academic freedom and university autonomy;
- the continued existence of these private universities which would be best assured, if corporate bodies, rather than private individual establish them (Arikewuyo, 2000).

These are some of the issues, which the federal government must consider before approving any private university in the country.

## **Towards a democratic governance of Universities in Nigeria**

There is no doubt that the long period of military rule in Nigeria has adversely affected the psyche of the citizenry. The university system in Nigeria has actually been militarized. For instance, staff and student unions were banned and unbanned at various phases of military rule. The Academic Staff Union of Universities (ASUU) and the National Association of Nigerian Students (NANS) were the worst affected. Many academics have been dismissed, retired and even jailed unjustly by the past military junta. Many student leaders have also been arrested, detained or dismissed from universities without being subjected to laid down disciplinary procedures. A case in point now is the University of Ilorin, where forty-nine Lecturers have been dismissed for participating in a national strike action. If this could happen under a democratic government, then justice is still a far cry in the university system.

Moreover, many Vice-Chancellors have been removed for not complying with directives from the military Government. The effect of this is that Nigerian universities became mere tools in the hands of the military, to the extent that all the various organs of the university, such as Council and Senate were not allowed to perform their statutory functions. A Major General was even appointed as a sole administrator in a first generation university. Consequently, many Vice-Chancellors turned themselves into soldiers in gowns, giving immediate effect order to Deans and Heads of Departments without consultation. Faculties and departments were not even allowed to perform their duties, as some Lecturers were often reprimanded for “teaching what they were not paid to teach”. Ajayi (1989) quoted Professor Oluwasanmi, a former Vice-Chancellor of a Nigerian University as asserting 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.” (This was a period of military rule).



Olorode (2001) captured the picture of Nigerian Universities under the military 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 sychophancy and the admission procedure became systematically bastardised 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 finances in shambles” (p. 32).

Therefore, with the emergence of full blown democracy in Nigeria, the orientation of university administrators on university governance must change for the better. Arikewuyo (1997) had earlier argued that all segments of the university, namely: academic staff, non-academic staff, students and the public at large must be involved in the administration of the system. This democratization implies an active involvement of these segments in the decision making processes. University administrators must be prepared to share their managerial authority with their subordinates. Such involvement, according to Ejiogu (1987) transcends involvement of the hand, but more importantly involves the mind, the heart and head.

Academic freedom and autonomy of the university must now be fully recognized. Fortunately, the National Policy on Education (Revised) (1998) has given a backing to this. Section 49 of the policy agrees that:

- a) the internal organization and administration of each institution shall be its own responsibility;
- b) the traditional areas of academic freedom for the institutions are:
  - i. select their students, except where the law prescribes otherwise;
  - ii. appoint their staff;
  - iii. teach, select areas of research; and
  - iv. determine the content of courses.

But there is a constrain here which says: “Government shall continue to respect this freedom as long as these areas are in consonance with national goals”.

Previous military governments have often hidden behind this provision to encroach on academic freedom and autonomy of the university. The question is: “What constitutes non-consonance with national goals?” Any government may arbitrarily determine this. Indeed, even under this democratic government a bill entitled “University Autonomy Bill”, which seeks to erode the statutory role of various organs of the university, is now

Year	Total Government budget NGN billion	Federal Allocation NGN billion	Allocation to education as % of total budget
1994	110.5	8.655	7.83
1995	98.2	12.729	12.96
1996	124.2	15.3	12.32
1997	188.0	21.8	11.59
1998	260.0	26.7	10.27%
1999	249.0	27.710	11.12%
2000	677.51	50.666	8.36%

Source: ASUU, 2001

before the National Assembly. Various bodies such as ASUU have opposed this bill. But the Government is bent on enforcing it by all means.

Perhaps the safest way out of this logjam is for the Government to allow universities to be run according to their statutes and acts. Universities should be seen as specialized institutions, which could not be pushed around anyhow. They must be run in line with acceptable democratic norms.

The discussion on democracy and university education in Nigeria will be incomplete if the issue of funding of the system is not discussed. This is a contentious area where ASUU and Government have clashed since the inception of democratic rule. Records have shown that government allocation to education has dwindled from 12% of the total government budget in 1995 to 7% in 2001.

Even in the year 2003 budget, of the total federal government budget of NGN 765 billion, only 13 billion, representing 1.81% was allocated to education (Obasanjo, 2003) Is this an indication that the democratic Government has no interest in education? Only time will tell.

## Conclusion

No doubt, with the restoration of democratic rule in Nigeria, the administration of universities needs to change from the militarised model to constitutional governance. All forms of military habits must be removed from university administration. Universities must be run in accordance with the constitution of the country. University administrators need to be re-oriented in the art of university administration in a democratic setting. Academic freedom needs to be respected now in Nigeria not as it was under the military. Academic freedom entails the ability of the intellectual community to carry out its duties and responsibilities without unjustified interference. The notion of academic freedom bears an inherent sense of commitment and duty practically manifest in the quality of academic performance. So conceived, academic freedom is more of a necessity than a luxury in society. (Chidam'

modzi 1996). Modzi continued by emphasizing that with the freedom of intellectual development, one is able to attain the capacity for a critical perception and appreciation of existing realities and therefore capable of choosing and acting according to objectively right principles. Perhaps the CODESRIA declaration about academic freedom needs to be absorbed by the Nigerian government. According to that organization,

“every person has the right to education and participation in the intellectual community...the state shall desist from exercising censorship over the works of the intellectual community and ensure that no official or any other organ under its control produces or puts into circulation disinformation or rumours calculated to intimidate, bring into disrepute or in anyway interfere with the legitimate pursuits of the intellectual community”.

The implication of this is that the freedom of academics as intellectuals to teach and publish must be respected if the universities are to perform their functions.

Finally, proprietors of universities (whether government or private individuals) must respect fundamental human rights as enshrined in the constitution. Basic human rights, such as right to life; freedom of thought, conscience and religion; freedom from discrimination; fair hearing and freedom of expression must be respected.

It is hoped that if these constitutional provisions are respected and universities are run according to international standards, tension would be reduced at the universities, thus promoting teaching, research and services, for which the universities are established.

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## Erratum

In *Higher Education Management and Policy*, Vol. 16 No. 2, two authors' addresses were incorrectly published. The correct addresses are given below with apologies to the authors:

Page 17 should read

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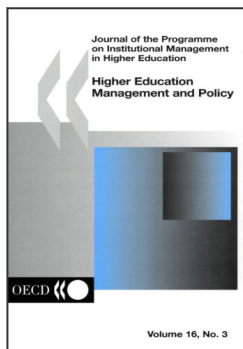
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