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[This bulletin is available online at www.scholarsatrisk.org and www.nearinternational.org]

University financing and academic freedom? By James Cemmell (1)

Academic freedom is often discussed with reference to glaring violations of the rights of academics to go about their business free from harassment, violence and impingements on their integrity. However, the ILO/UNESCO Recommendation on the Status of Higher Education Teaching Personnel (2) takes explicit account of economic/material factors such as the ability to engage in the international community and security of employment. This article argues that the long term changes in the financing of UK academia require a re-examination of the status of academic freedom in UK universities.

Back in 1997, the Dearing Report set out a vision for UK higher education. The report was keenly awaited by a sector that had undergone a dramatic period of massification since the 1980's, without much but cosmetic change in the regulatory environment. Funding (teaching & research) and academic pay were key issues. The CVCP (now UUK) had identified a 'funding gap', which, if unaddressed, threatened sustainable delivery of even basic provision; the incoming Labour party had made a manifesto commitment not to meet the shortfall with student fees and a caucus within the Russell Group of research lead universities had published the 'Greenaway Report', which promoted private contributions as the way of the future.

As a student representative at the time, it was clear to see that universities were keenly looking around for sources of revenue and cost cutting was an imperative. However, there was little fat in an already distressed sector (aside from rare, atypical examples) - it was not a good time to be a university finance director and many (though not all) departmental budget heads were tasked with making impossible trade-offs in order to maintain a skeleton service. Former classmates who entered research tracks were keen to share their stories of requisition orders and equipment rationing.

Fast forward 13 years and policy has followed a steady and predictable trajectory. At the undergraduate level, student fees have been introduced, increased and progressively de-regulated (most recently with the Browne Review proposals). Research and postgraduate provision has similarly become increasingly funding lead; whether it is the strategic maintenance of a research status attractive to the funding councils or the marketing and sale of 12 month Masters Degrees. Success in the market is increasingly benchmarked and university leaders keep careful watch of league tables - whether or not they like to admit that in public!

Some universities have done very well in this environment; Warwick has attracted a laudable amount of private funding (industry, alumni and donor contributions); however, this is the exception and there are plenty of counter examples. Experiments in trans-national provision (e.g. franchising overseas) have generally not been a success and trade is limited to the mass commercialisation of 12 month Masters Degrees - at the expense of diverging from European norms. To illustrate this, the UK offers a Masters credit for every 20 hours of study; amongst the rest of the EU 27 (excepting Ireland) the range is 24-33 (3) - this has led to real problems in the recognition of UK Masters degrees in some European countries.

With the proposed cuts in arts and humanities funding, it is presumed that either provision in these areas will be reduced or will be delivered differently. Models for innovative provision under discussion include the profitable delivery of undergraduate studies a la 12 month Masters (but this time to home nationals) and cost cutting in research councils such as the ESRC. Minutes from a recent meeting of the 'Learned Societies' (4) illustrates that funding cuts will have real world impacts - difficult decisions will need to be made. For example, options on the ESRC's table to deal with the administrative budget cuts include streamlining funding competitions by disincentivising prospective unsuccessful applicants from applying - or completing a slimmed down scrutiny process. Both options will be debated and strategised by those responsible for their university's research rating and I expect that early/mid-career researchers will be required to compete with 'safe bet' proposals and forcibly fight their corner in order to submit research funding bids under the university's auspices (more so than at present).

With the deep structural changes in the UK sector over the previous decades, it is high time that a full and public audit of the status of academic freedoms in the UK is conducted and an assessment made as to whether this trajectory should be maintained, tweaked or altered. Perhaps the four yearly joint meetings of the committee (CEART) who monitor the ILO/UNESCO Recommendation would provide an appropriate forum for such an audit.

The British Council proudly claims that *'the UK education system is respected and valued all over the world'*, such claims can only be delivered by a sector that asks difficult questions of itself and strives to enforce the values it espouses. Auditing and promoting academic freedom is a thus far missing piece of the puzzle and redress should be made at the earliest opportunity.

(1) Mr. Cemmell is also the author of the May 2009 UCU and Education International sponsored independent report: 'Academic Freedom International Study: Burma, Colombia, Israel, Palestine, Zimbabwe' and contributed to the 2008 HEPI study 'The Bologna Process and the UK's international student market'.

(2) Also covers research staff.

(3) ECTS User Guide.

(4) Report from the Learned Societies meetings on ESRC, CSR & REF retrieved from the UK Social Policy Association website.

The Neoliberal University, Crisis and Solidarity from the UK to Colombia

By Mario Novelli

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The new UK government has made public its plans for Higher Education. Teaching budgets are to be slashed, social sciences and humanities undermined, and student fees set to rise from around £3000 to up to £9000 per year. The full privatisation of higher education beckons. The proposals will lead students into massive debt, are likely to deter working class students from attending university, will

further polarise the University sector, and undermine social sciences and humanities – ‘soft subjects’ not seen as economically productive.

It seems that for the UK government the financial crisis represents what Naomi Klein in her book ‘The Shock Doctrine’ sees as a mechanism to justify the remaking of society in ways that privilege vested wealth and power. Crisis - be that economic, natural disaster or war - becomes an opportunity to do things that in times of normality seem impossible. This insight has led me to reflect on my visit to Colombia in December 2009. There the crisis was less economic than military. A civil war ‘crisis’ that was justifying reform, but its focus at that time was similarly the public university. Any resistance to neoliberalism inside the public universities in Colombia was seen as evidence of ‘guerrilla’ intervention on campus. Many academics and students were afraid of speaking out because of this stigmatisation, but thankfully many were not. One such dissident voice was Miguel Angel Beltran, a Colombian academic who has refused to remain silent in the face of repression. While depressing, his story is, I hope, both instructive and inspiring.

On 22nd of May, 2009, Miguel Angel Beltran, whilst on sabbatical in Mexico, went to renew his visa at the Mexican immigration authorities. He’d been in Mexico for several months studying at the UNAM (Universidad Nacional Autonoma De Mexico). Upon entering, he was arrested and deported to Colombia by plane, contravening his right both to due process and Mexico’s extradition treaty with Colombia. Upon arrival in Colombia he was charged with ‘*rebellion*’ and ‘*conspiracy to commit terrorist acts*’ and remains in prison awaiting trial.

The Colombian government alleges that his alias is “Jaime Cienfuegos”, a FARC ideologue and terrorist. They argue that they discovered documents relating to Jaime Cienfuegos in a laptop recovered in Ecuador at the site where the military bombed and killed Raul Reyes, a prominent leader of the FARC, on March 21st 2008. Miguel denies these allegations arguing that he is the victim of a government seeking to silence all critics.

Miguel is a sociologist at the National University of Colombia, and an outspoken critic of both the neoliberal reforms being pushed through in public universities and the Uribe government. In a letter from prison in August 2009 he reflected on the way sociologists became targeted in Colombia stating that while the sociology of the 1950s in Colombia was aligned with the state, it later became more critical and committed to social change, leading the “discipline to be seen by certain social and political sectors as a threat”. Since then “the stigma of ‘subversive’ weighs heavily on sociologists” and “the list of sociologists persecuted and harassed for their thoughts is long”. (1) Miguel noted in a further prison letter that “although these bars and armed guards try to scare me and to debilitate my democratic convictions, I guarantee that I will maintain unbroken my critical voice, my commitment to the defence of the public university and the search for political solutions to the armed and social conflict in Colombia”. (2)

In November, the University College Union, the UK’s higher education trade union, sent a petition signed by over 1000 academics to the Colombian government calling for Miguel’s release. Though only a letter of support, the response of so many academics is impressive. Partly this can be explained by the fact that people admire what Miguel stands for: the academic as critic, as a voice of opposition and dissent. Sadly this is a characteristic disappearing in the UK as we have become caught up in academic capitalism, grants chasing and competing against our colleagues. However, precisely at that meeting point between Miguel’s situation and the example he sets us, is where the real potential of solidarity begins - reciprocity. Miguel serves as inspiration for the University community to challenge the government’s plans for our institutions, to reclaim the University once again as the conscience of society, and to use the current crisis to remake our institutions and our societies in the interests of the many, rather than the few.

Further background on Miguel Angel Beltran’s case is available at:

<http://libertadmiguelangelbeltran.blogspot.com/>
<https://www.ucu.org.uk/index.cfm?articleid=4742>

<http://todossomosmiquelangelbeltranvillegas.blogspot.com/2010/09/open-letter-dr-miguel-angel-beltran.html>

(1) Beltrán Villegas, M (2009) *La Sociología un Oficio Peligroso*

Por Miguel Ángel 15 de agosto de 2009. Translated by author. Spanish version available at

<https://groups.google.com/group/miquelangelbeltraninocente/web/miguel-angel-beltran-villegas?hl=es>

(2) Beltrán Villegas, M (2009a) *Open letter from Professor Miguel Angel Beltrán Villegas to the Colombian Association of University Students*. <http://colombiasolidarity.net/2010/03/open-letter-from-professor-miguel-angel-beltran-villegas-to-the-colombian-association-of-university-students/>

Academic Values Under Attack: The Current Venezuelan Experience

By Orlando Albornoz

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Academic freedom is being restricted in Venezuela, a society characterized by a powerful centralized government and uncoordinated weak institutions. The current administration is a very powerful personalized type of government and higher education is a weak institution. For these reasons, the situation of higher education in Venezuela under Chavez is rather easy to explain. Once in power – via impeccable constitutional procedures, in 1998– this Army man decided to take steps in order to put higher education under the aegis of the State.

First of all, he opened a parallel higher education system, controlled by the government and opened access to many students that previously were either without opportunities to enter these types of studies or were uninterested. So Chavez created new possibilities and opportunities and this seemed like a good idea. Unfortunately, increasing access alone does not at all guarantee the achievement of academic quality. In fact, Chavez made an interesting trade-off, quantity instead of quality.

Secondly he took steps in the direction of an association with Cuba, that brought into Venezuela the idea that instead of having the students come to the university, the university would be available everywhere, in every one of the 335 municipalities of the country. At the same time he took from Cuba the ideological model and old-fashioned Marxism as the basis of the indoctrination of the universities. This intervention of Cuba into Venezuela is a new phenomenon in Latin America and the Caribbean, a kind of neo-colonization of Venezuela. These new universities lack the autonomy—or inclination—to resist as they are entirely dependent on the government.

Academic freedom is nonexistent in the public universities except in the *autonomas*, the most important public universities of the country, and even these are under attack. The basis of the government's argument is that these universities are not doing the job of training people to solve national problems. It is very easy for the government to control these universities, public as they are and that work with almost one hundred per cent of their income provided by the State. Academic freedom, when mentioned, is measured by its contribution to the goals of 'the revolution'. But in Venezuela, the question is masked—rather than admit (and risk debate on) the choices between capitalism and socialism, democracy or dictatorship—the question of freedom is hidden within organizational questions relating to access to the university, accountability and social responsibility.

Venezuela happens to be a society with a very strong government and weak institutions, meaning that the first can control the second. This is the case of the universities in this country: they are weak in the defense of their academic values when the attacks come from outside the institution. Universities and faculties cannot expect the government to protect these values. In the rationale of the current Venezuelan government, values like academic freedom and university autonomy run counter to the government's overall plan to control the whole society and specifically the higher education sector. Universities and faculties themselves need to create a strong environment in which these values are defended. This means universities behaving better themselves: Corruption and mismanagement are common, and must be addressed from within the sector. Leadership of the universities has become a powerful segment of academia but too often attends only to upholding bureaucracy and privileges. Too

many faculty are unfortunately more interested in their social security than in the production of knowledge. Though it would be unfair to deny the potential amongst members of faculty to do research and to produce knowledge, there is a serious scarcity of resources for research and publication, including in the technological arena, and minimal opportunities to devote time to research.

Universities and faculties must remember that academic freedom and autonomy are not only rights to benefit their status and profession, but the responsibilities of their noble vocation of pursuing and sharing knowledge and truth.

The Transition Malaise as the Main Obstacle to Independent and Ethical Academic Life in Croatia
By Hrvoje Šikić and Nenad Zakošek
University of Zagreb

Twenty years ago, due to the collapse of state socialism, Croatian academic and research institutions entered a process of societal, economic and political transformation which still has not produced stable and efficient forms of organization. Present challenges include a government plan to introduce an entirely new legal framework for scientific research, higher education and universities, the negative effects of the ongoing fiscal crisis on funding, in addition to continued internal controversies and deficiencies within academia.

The academic and research landscape in Croatia consists of seven universities and several dozen state research institutes. The University of Zagreb is the oldest academic institution, established as a modern university in 1874, but with roots going back to the 17th century. Three regional universities were established in Rijeka, Split and Osijek in the mid-1970s. More recently, between 2002 and 2006, three small universities were founded in the Adriatic coastal cities of Zadar, Dubrovnik and Pula. Despite these new institutional attempts at dispersion and "devolution" of academic teaching towards smaller regional universities, the main organizational feature of Croatian academia remains the imbalance in terms of teaching staff capacities, number of students, and scientific output between the University of Zagreb (about 8000 members of academic faculty and 65.000 students) and all other Croatian universities.

The initial conditions for the operation of academic institutions at the beginning of the post-socialist transformation were rather favourable: the universities enjoyed a relatively high level of autonomy from government interference compared to their East European counterparts. They were well connected with Western academic institutions and Croatian scholars were used to academic mobility and often studied in the West. However, there were also certain burdens which have ever since strongly influenced the development of scientific research and academic teaching in Croatia. Amongst these burdens, the most prominent include dependence on a high level of state funding (in some cases even exclusive), excessive decentralization of institutions (single faculties and departments) within universities (especially at the University of Zagreb), a low level of integration between universities and society, and, in many cases, the lack of implementation of widely accepted standards of ethical academic behaviour.

The transition process also exaggerated the existing deficiencies and produced some new ones. The government used its dominant role in funding academic institutions as leverage to determine the number of students and influence the process of accreditation. But the main challenges came from the prevailing social and economic conditions, characterized by economic privatization and institutional instability. Some academic institutions (especially in the social sciences and humanities) came under strong pressure of commercialization, due to the fact that alongside government funding additional student enrolment based on tuition fees was allowed. Under conditions of weak institutional integration, several other deficiencies became apparent:

--nepotism and cronyism began to influence the distribution of funds, entrance to universities and student promotion as well as the academic careers of professors and scientists;

--insufficient control mechanisms and competent institutions of appeal, to which members of academia deemed unfairly treated could turn to protect their rights.

One of the most pressing problems is also the incidence of corruption at universities. The most serious scandal occurred in 2008 and 2009 at the University of Zagreb, when about 60 persons (professors, students and administration staff) at the Faculties of Economics and the Faculty of Transport and Traffic Engineering were put on trial and accused of corrupt practices in student enrolment and examination. First instance verdicts were made in May and July 2009 and in February 2010 at the County Court in Zagreb. Twelve professors were sentenced to imprisonment, while several others received sentences on probation. The whole criminal process has badly damaged the public image of the University of Zagreb, but it has rightly pointed to the acute problem of insufficient academic self-regulation and control, which allows for misuse and vicious practice.

In conclusion, we would like to emphasize that although there are no open political or criminal threats to academic freedoms in Croatia, there are serious challenges from outside and inside academia caused by insufficient procedures and standards in the organization of academic life. Croatian scholars must work together to devise adequate institutions to deal with these problems.

How Free Expression and Academic Freedom Differ

By Antoon De Baets

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Many academics believe that the right to free expression and academic freedom are identical or that the latter is the preferred name for the former in an academic context. This is a fallacy, as is shown by inspecting the *Universal Declaration of Human Rights* and the two covenants derived from it. The *Universal Declaration* itself and the *International Covenant on Civil and Political Rights* give a prominent place to free expression but do not speak of academic freedom at all. The *International Covenant on Economic, Social and Cultural Rights*, in its turn, urges states "to respect the freedom indispensable for scientific research." However, scientific freedom is not academic freedom; it is broader since it serves both academic and non-academic groups. Academic freedom, serving only academics, draws from scientific freedom but also from other rights. UNESCO, in its *Recommendation Concerning the Status of Higher-Education Teaching Personnel*, defines academic freedom as "[T]he right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies." (para. 27)

How then are free expression and academic freedom related? The former is a necessary but not a sufficient condition of the latter. Academic freedom can be derived from a combination of human rights mentioned in the *Civil and Political Covenant* (arts. 18-22) and the *Economic, Social and Cultural Covenant* (arts. 13-15). To begin with, it requires the protection of individual scholars through the rights to free expression and to intellectual property. Moreover, as it takes shape in an institutional context, it needs the rights to peaceful assembly and association. Next, there is the duty of states to respect scientific freedom. Finally, the audience of the scholars can claim the rights to education, to culture, and to sharing in the benefits of scientific progress. Only this entire set of *Covenant* rights gives rise to academic freedom.

It thus emerges that free expression and academic freedom are not identical. They differ in four important respects. First, free expression is universal, whereas academic freedom is meant for the academic community only. Second, free expression is valid in all circumstances (although derogable in times of emergency), whereas academic freedom is duty-dependent: it can be invoked only when academics perform their academic duties, that is, when they are engaged in the honest search for truth in research and teaching. These duties include scholarship-related activities *outside* academe, but exclude matters unrelated to scholarship: the latter are not protected under academic freedom

(though they still may be under other human rights). Third, free expression is an individual right, whereas academic freedom is an individual *and* a collective right. The collective aspect of academic freedom is called university autonomy, understood as the freedom of academic institutions to regulate their own affairs in the core areas of the curriculum, the awarding of degrees, the admission of students, and the selection and promotion of staff—in exchange, though, for a set of clear accountability principles. Fourth, academic freedom can be more restricted than free expression but also less. According to the *Civil and Political Covenant*, restrictions on free expression should be prescribed by law, necessary in a democratic society, and directly related to one of the following purposes: respect for the rights or reputations of others or the protection of national security, public order, public health, or morals. Academic freedom is subject to the same restrictions regime, but also to further restrictions rooted in scientific tradition and procedure: universities possess a sophisticated system of peer review and quality checks. These sophisticated restrictions render academic debates far more regulated than public debates; but once academics respect the restrictions, their right to heresy is virtually boundless.

On balance, then, academic freedom turns out to be narrower than free expression in the first two respects, broader in the third respect, and both more and less restricted than free expression in the last respect. Therefore, equating both is a fallacy.

Academic Freedom in Africa: Linking the Past to the Present and Future (Part III of III)

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The first and second installments of this article appeared in *University Values Bulletin*, December 2009 and June 2010 and are available [here](#).

Post-Cold War (Globalisation) Era: Regional and international responses to academic freedom challenges

Universities were very influential in pro-democracy movements that emerged in the late 1980s to propel Africa's return to democratic governance. This development, naturally, was to create the atmosphere for better respect for academic freedoms. However, the implementation of a nominal or compromised democratisation project in African states has resulted in limited respect for academic freedoms, particularly in countries where civil society has not been effectively established to claim and expand the democratic space.

To stimulate change and expand on the opportunities created by the changes on the international political landscape, the Council for the Development for Social Science Research in Africa (CODESRIA) through its Academic Freedom Programme organized a number of conferences and dialogues in different African countries between 2000 and 2007. These included workshops held in the Democratic Republic of Congo (DRC), Tanzania, Angola, Nigeria and The Sudan. CODESRIA continues to lead work to promote academic freedom in Africa, with regular conferences and publications on this important issue.

The Sudan Conference, which took place at the University of Juba, Khartoum, resulted in the Juba Declaration of 2007. The Conference was held on February 26 and 27, 2007 under the theme, "Academic Freedom and University Autonomy in Post-Conflict Sudan." Among others, the Declaration called for respect for academic freedoms, institutional autonomy and related rights and for the State to recognize and abide by its responsibilities towards the promotion and protection of academic freedom on university campuses. Further, the Declaration reiterated the responsibility of academia

towards the community as a whole in addition to calling for respect for the spirit of tolerance and enhancement of democratic debate and discussion.

This event was followed by the timely intervention of the Network on Education and Academic Rights (NEAR) and Scholars at Risk (SAR) who organised a workshop on "Rethinking Academic Freedom in East African Universities" in October 2008 in Addis Ababa. The workshop discussed, *inter alia*, international and regional standards and instruments relating to academic freedom, case-studies and personal experiences. In addition, country representatives from Ethiopia, Ghana, Jordan, Kenya, Rwanda, Senegal, Somalia, Sudan, Tanzania, Uganda and Ukraine presented reports on the state of academic freedom in their countries. Participants also developed a proposal for a common framework for analyzing academic freedom and related concerns with particular emphasis on social responsibility.

The 2008 Addis Ababa conference led to the formation of the African Academic Freedom Network - a network of academics and higher education leaders across Africa dedicated to building dialogue and activities related to academic freedom and university autonomy. As follow-up activities, there was agreement to undertake additional outreach programs to African universities and scholars, additional and more advanced workshops, including a follow-up event to be held in West Africa. This came to fruition in April 2009 with a workshop and symposium on "Academic Freedom and University Autonomy in West African Universities" held at the University of Ghana in Legon.

The principal goal of the Ghana seminar, according to SAR Executive Director, Rob Quinn, was "to gain a better understanding of the current challenges facing West African universities and scholars, and to discuss how participants might work together with networks of concerned individuals around the world to defend and promote core university values". With personal experiences, case studies and reports from Sierra Leone, Ghana, Malaysia, Mali, Niger, Senegal, Cote d'Ivoire, Ethiopia and Nigeria, the seminar took an overview of current work to promote academic freedom in Africa. Participants also discussed on-going work to promote academic freedom in different world regions.

It was clear from the case-studies and personal experiences presented at the seminar in Ghana that infringement on and violation of academic freedom in West African universities takes different forms. They range from the subtle form of marginalizing faculty members (in terms of opportunities for career and capacity building) perceived to be anti-establishment to the crudest form of sackings and threats to their lives. Other problems covered commercialisation/privatisation within institutions, absence of professional opportunities, facilities and a congenial working environment and weak linkage between universities and parent government departments or ministries. It was also noted that academic standards remain poor in post-conflict countries and countries with weak governance structures.

It was further observed that repressive laws still remain in some statute books while African governments continue to co-opt brilliant minds into politics removing them from academia where they might have demanded greater academic freedom and leaving university faculties depleted. In addition, there is a lack of high quality graduate programmes and institutions in most African universities and an absence of properly-coordinated programmes and incentives to lure back African scholars from abroad.

Conclusion and Recommendations

This article (in its three instalments) represents a modest attempt to establish a historical trajectory of the evolution of academic freedom in Africa from the colonial to the globalisation era. It was established that the evolutionary process has gone through a tortuous path, particularly during the colonial and immediate post-colonial periods. The arrival of the globalisation era has brought with it renewed hope and optimism. A lot of ground has been covered to raise the subject of academic freedom and institutional autonomy in Africa on to a higher pedestal.

However, much more needs to be done in Africa, a continent where the nature of governance puts considerable pressure - in diverse ways - on institutions of higher learning. Particularly, repressive laws in the areas of freedom of expression, press freedom and academic freedom remain in the statute

books of a number of African states and are being used against academics and students. In some countries, Heads of State remain as Chancellors of universities and use that position to control affairs and cut into respect for institutional autonomy. Generally, more subtle approaches to repressing academic freedom remain in place.

Against this background, academic freedom and university autonomy in African universities could be viewed in the African context therefore, at least, as a campaign for recognition of a distinct set of rights derived from existing rights in a continent where undemocratic governments view tertiary institutions, especially universities, as hotbeds of radicalism at best.

By way of solution, it is recommended that a key strategy should focus on keeping the momentum on awareness-raising and education programs that CODESRIA, SAR, NEAR and other partners have started. Another step would be to lobby African law-makers to amend laws that limit enjoyment of academic freedom.

It is also important to provide moral and material support for colleagues who are victims of academic freedom violations and help in rebuilding tertiary education in post-conflict countries. Another way to promote academic freedom is for universities to liaise with freedom of expression institutions on the continent and become more active in social-political issues, internally and regionally. Finally, there is the need to set up well-defined structures to promote effective networking relationships.

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