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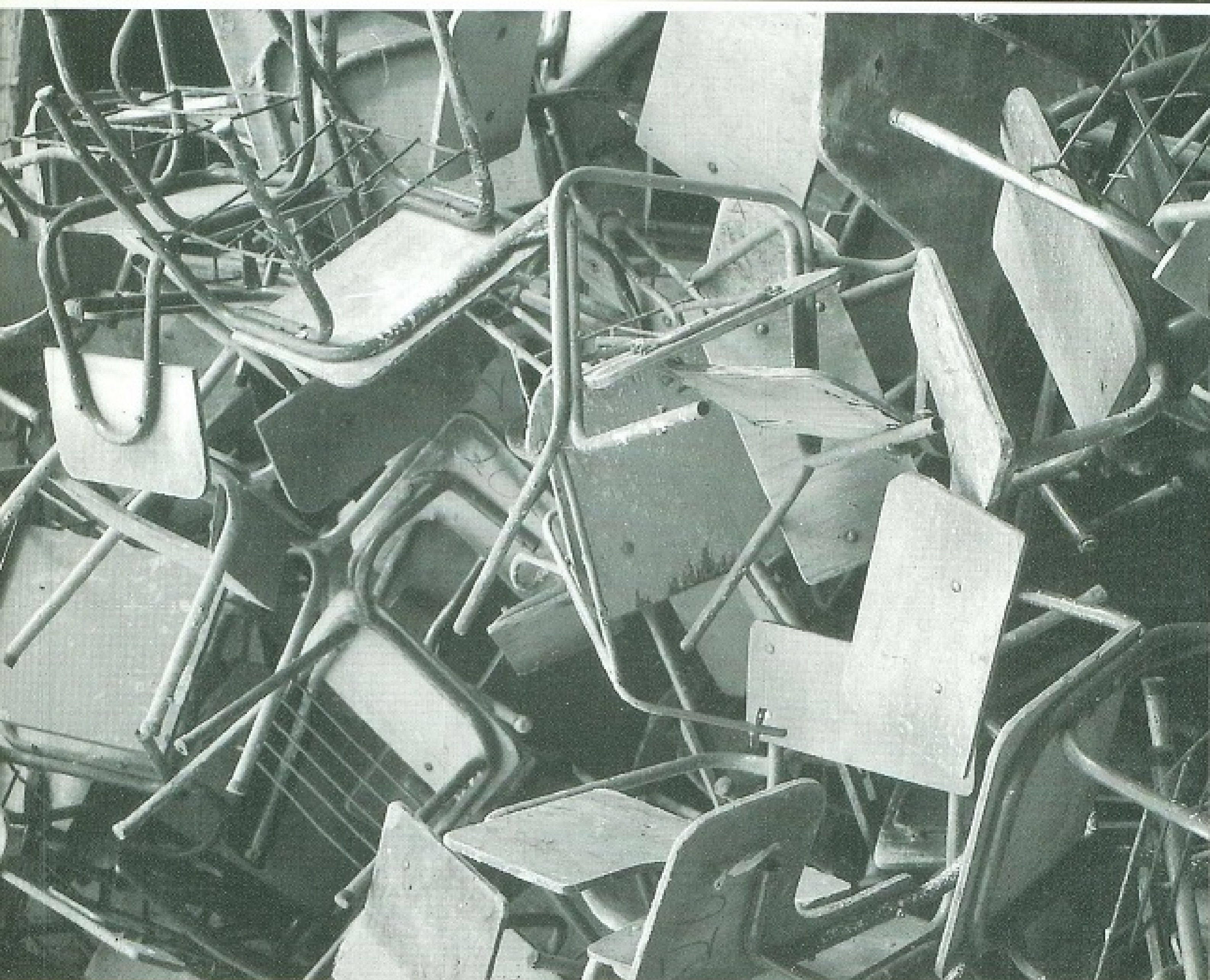
Academic Freedom 3

EDUCATION AND HUMAN RIGHTS



EDITED BY

John Daniel, Nigel Hartley, Yves Lador, Manfred Nowak & Frederiek de Vlaming

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Contents

About the Contributors ix

Foreword xi

1. **Monitoring the Right to Education: Reporting to UN Treaty Bodies** *Audrey R. Chapman* 1
   Components of the Right to Education 1
   Deficiencies of the United Nations Monitoring Process 4
   Monitoring the Right to Education 7
   Applications of Data 11

Part I: Africa

2. **Historical Notes on Academic Freedom in Africa** *Mahmood Mamdani* 15
   The Symposium on Academic Freedom and Social Responsibility of Intellectuals, Kampala, November 1990 15
   The Capital Constraint 17
   The Cultural Question 18
   Quality and Relevance 18

3. **Malawi** *Richard Carver* 21
   Introduction 21
   The Right to Education 25
   Higher Education 32
   University Autonomy 40

4. **South Africa** *Teboho Moja and Nico Cloete* 45
   Political, Socio-economic and Human Rights 45
   The Education System 47
   Academic Freedom, Autonomy and Accountability 51
   New Contestations in the New South Africa 62

5. **Sudan** *Abdelhadi Al-Zubeir Hamad* 68
   Social and Political Background 68
   The Education System 70

The Right to Education: Limitations and Violations 73
Restrictions on Academic Freedom and University Autonomy 78
Restrictions on Freedom of Expression 81
Restrictions on Freedom of Association 84

Part II: Asia and the Middle East

6. **China: Academic Freedom and Ideological Barriers** *Fang Lizhi* 89

7. **Burma (Myanmar)** *Martin Smith* 92
Political Background 92
Social and Human Rights 93
The Crisis in the Education System 95
The Structure of Education 97
Continuing Restrictions on Academic Freedom 99
Discrimination against Ethnic and Religious Minorities 101
Discrimination against Women 105

8. **Sri Lanka** *Swarna Jayaweera* 108
Introduction 108
Two Regional Evolutions 109
The Right to Education 111
Access to Higher Education 112
Academic Freedom 113
University Autonomy 116
Measures that Promote and Protect Academic Freedom 117

9. **Tibet** *John Billington* 120
Background 120
The Policy of Sinicization 121
Origins of the Education System 123
Access to Education 125
Quality of Education 132
Repression and Human Rights Violations 134
Education in Exile 137

10. **Iran** *Shahrzad Mojab* 140
Political, Social and Economic Background 140
The 'Islamic Cultural Revolution' in Higher Education 142
Violation of University Autonomy 146

Violation of Academic Freedom 148
Violation of the Linguistic and Cultural Rights of Ethnic Minorities 150
Violation of Women's Rights to Education 152
Conclusion 156

11. **Palestine** *Penny Johnson and Emma Naughton* 160
Closure of Schools and Universities 161
Army Raids, Detention, and Maltreatment 164
Effects of the Closure of Occupied Territories 166
Harassment of Gaza Students and Faculty 169
Academic Freedom 170
New Era, New Challenges 171

Part III: Europe and North America

12. **Access to Education for Refugees and Asylum Seekers in the Countries of Western Europe** *WUS United Kingdom* 177

13. **Kosova** *Peter Gstettner* 182
Background 182
Discrimination in Education 184
Critical Evaluation of the Conflict in Education 187

14. **USA** *James North* 191
American Higher Education: Once a Success Story 191
Academic Freedom 193
Access to Higher Education 194
Discrimination 196
Freedom of Expression 197
Conclusion 201

Part IV: Latin America and the Caribbean

15. **Haiti** *Roody Edme* 203
Political Background 203
The Education System 206
Violations of Academic Freedom 208
Limiting Freedom of Association 210
The Struggle for Autonomy Continues 211

16. **Peru** *Sinesio López Jimenez* 213
Political and Economic Background 213
Human Rights 215
The Education System 217
The Right to Education 219
Academic Freedom 221

Annex 1: The Lima Declaration on Academic Freedom and Institutions of Higher Education 230

Annex 2: The Kampala Declaration on Intellectual Freedom and Social Responsibility 234

Index 238

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Foreword

The reports in this book give a picture of educational systems from a human rights perspective. The fundamental right to education is generally regarded as being a cultural right, one of a group that includes the rights to take part in cultural life, the freedom to engage in scientific research, the right to creative activity and the right to intellectual property. In international legal practice the right to education contains three elements: the right to teach, the right to receive education, and the freedom of choice of education. With respect to higher education, international instruments point out that it shall be 'equally accessible to all on the basis of merit'.

Traditionally, the monitoring of academic freedom has been done chiefly in the context of freedom of thought and freedom of opinion and expression. The country reports in this book refer to the criteria formulated by international human rights standards as well as by the World University Service's *Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education of 1988*. The *Lima Declaration* defines academic freedom as 'the freedom of members of the academic community, individually or collectively, in the pursuit, development and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing and writing'.

Initiatives by organizations of academics, particularly in the South, to conceptualize academic freedom have placed it among educational rights and have thus stressed the socio-economic context.

Increasingly, a link is being made between the introduction of structural adjustment policies imposed by the International Monetary Fund and World Bank and the availability, accessibility and quality of education. Cuts in national education budgets and privatization of educational institutions provoked in several parts of the world a call to guarantee academic freedom and university autonomy.

This book seeks to contribute to the debate by showing that it is not lack of resources alone that impede educational rights. Restrictions on freedom of expression, religious intolerance and ethnic or gender-based discrimination are threatening forces, felt at all levels of education in a growing number of countries.

The decision by WUS to draft a declaration on academic

freedom was not an academic exercise. It emerged from decades of work assisting many thousands of members of the academic community, mainly in exile, who had become victims of human rights violations, including their political and educational rights. The *Lima Declaration* is the guiding principle for activities that WUS undertakes in promoting and monitoring academic freedom.

The editors

1. Monitoring the Right to Education: Reporting to UN Treaty Bodies

Audrey R. Chapman

Components of the Right to Education

Beginning with the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, several international human-rights instruments recognize the right to education. The International Covenant on Economic, Social and Cultural Rights has the most comprehensive formulation of this fundamental human right. The right to education is also specified in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child. By ratifying or acceding to these international human-rights instruments, states acknowledge the rights enumerated therein, including the right to education, as a binding legal standard. As of August 1993, 122 countries had ratified the International Covenant on Economic, Social and Cultural Rights and thus are States Parties to this treaty.[1]

Of the various international human-rights instruments which enumerate a right to education, the International Covenant on Economic, Social and Cultural Rights has the most comprehensive treatment. Under Article 13 of the Covenant, States Parties agree that education shall be directed to the full development of the human personality and strengthen respect for human rights and fundamental freedoms. Additional goals for education are to enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Under Article 13 States Parties recognize that:

1. Primary education shall be compulsory and available free to all.
2. Secondary education in its different forms, including technical

and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.
3. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.
4. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.
5. The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.[2]

Article 13 further specifies that States Parties to the Covenant respect the liberty of parents and legal guardians to choose for their children schools other than those established by the public authorities and to ensure the religious and moral education of their children in conformity with their own convictions. The Covenant also acknowledges the liberty of individuals and bodies to establish and direct educational institutions, subject to the requirement that the education conform to such minimum standards as may be laid down by the state.

As defined by the Covenant, some of the obligations related to the right to education have immediate application and involve explicit guarantees. Others are to be achieved progressively over time.[3] The standard of 'progressive realization' recognizes that full achievement of all economic, social and cultural rights is generally not feasible within a short period of time. As such, progressive realization differs considerably from the standard enumerated in Article 2 of the Covenant on Civil and Political Rights, which specifies an immediate obligation to respect and ensure all enumerated rights. Nevertheless, the United Nations Committee on Economic, Social and Cultural Rights, which evaluates States Parties' compliance with the Covenant, interprets progressive realization as requiring States Parties to move as expeditiously and effectively as possible toward the goal of full realization of the constituent rights.

The Committee also specifies that it is incumbent upon every State Party to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights. Further, the Committee has indicated that in order for a State Party to be able to attribute its

failure to meet its minimum core obligations to a lack of available resources, it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy these obligations.[4]

The provision of free and compulsory primary education constitutes one minimum core obligation. Article 14 mandates that those countries which have not achieved this standard at the time of becoming a party to the Covenant undertake within two years to work out and adopt a detailed plan of action for progressive implementation, within a reasonable number of years. However, many of the countries which ratified the Covenant before or soon after it came into force in 1976 have neither achieved this minimum core obligation nor developed a plan of action. In recent years, in fact, many poorer countries have experienced a decrease in the proportion of the eligible primary schoolage population that are attending school.

All States Parties also have the immediate obligation to ensure nondiscrimination with regard to the rights enumerated in the Covenant. Article 2 calls on States Parties to guarantee that the rights enunciated in the Covenant 'will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, nation or social origin, property, birth or other status'. Article 3 further amplifies that States Parties are required 'to undertake to ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant'. These provisions have been interpreted as requiring both negative anti-discriminatory and positive affirmative-action measures.

In becoming a State Party to the Covenant, countries also assume an international obligation to submit reports to the United Nations on the measures they have adopted and the progress made in achieving observance of the Covenant. Currently states are requested to submit an initial report, dealing with the entire Covenant, within two years of the Covenant's entry into force, and to submit a periodic report every five years thereafter. These reports are reviewed by the Committee on Economic, Social and Cultural Rights, an expert committee established by the United Nations to monitor compliance with the Covenant. Guidelines for the reports call for large amounts of both qualitative and quantitative information instructing states to describe legal provisions and government policies and to provide statistics on such subjects as

literacy, enrolment patterns in the various levels of schooling, availability of adult and continuing education, drop-out rates at all levels of education as well as graduating rates at all levels. The Committee also requests that 'specific attention be given to any worse-off regions or areas and to any specific groups or subgroups which appear to be particularly vulnerable or disadvantaged'.[5]

Deficiencies of the United Nations Monitoring Process

Despite these reporting procedures, little effective monitoring of the right to education is occurring. Few governments, even those who have become States Parties to the Covenant, regularly assess their own implementation of the right to education. Nations, localities and international agencies generate large quantities of educational data, but evaluating performance relative to the standards set by Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights requires different approaches and indicators than measuring educational development. Statistical indicators currently used to measure educational development, for example, are not sufficiently sensitive to the status of the most vulnerable and disadvantaged sectors of the population.[6]

While a primary goal of the United Nations reporting system is to assist States Parties in their own efforts to evaluate and comply with obligations under the Covenant, few states do so. Many States Parties do not comply with the reporting requirements and either fail to submit reports regularly or prepare very superficial and inadequate reports that do not provide the data requested. Although States Parties are asked to report not only on the progress that they have made, but also on any 'factors and difficulties' that have affected the realization of the rights in the Covenant, in most cases reports appear to be designed to camouflage rather than reveal problems and inadequacies. For example, virtually all reports only present national aggregate data and thereby conceal significant discrepancies by gender and amongst various groups.

Moreover, the United Nations has failed to develop an effective monitoring system to evaluate State Party compliance with the Covenant. Like other United Nations treaty-monitoring bodies, the Committee on Economic, Social and Cultural Rights functions under a series of constraints, among them lack of staff and financial resources commensurate with their task. But there are other serious

problems more specific to the work of this Committee.

First, there is a lack of clarity about the content of the constituent rights enumerated in the Covenant, including the right to education. In contrast with civil and political rights, the rights contained in the International Covenant on Economic, Social and Cultural Rights are not grounded in significant bodies of domestic or international jurisprudence.[7] Moreover, the Committee has not as yet defined the scope and limits of most of these rights or established the minimum core obligations of governments in relationship to each of these rights. One of the ways in which the Committee pursues this task is to hold a day of general discussion on a particular subject and then to draft a general comment. To date, the Committee has not organized a day of general discussion on the right to education.

Conceptual issues that need to be resolved in order to monitor compliance with the right to education include the following:

- Does the right to education entail achievement of a specific standard of learning, such as basic literacy and numeric skills, completion of a specific level of schooling, or does it merely require attendance for a given number of years of schooling (yet to be determined)? These distinctions are particularly significant in countries where there are high repetition rates, low educational standards, and uneven distribution of resources and quality of schools.
- What does the obligation for each State Party to take steps toward achieving progressively the full realization of the rights actually mean with regard to the right to education? Does it require investment of a minimum percentage of the gross national product or government budget in education? To what extent does the qualifier 'subject to the availability of resources' exempt poorer states? What if states do not have resources available because they are being disproportionately (and probably unnecessarily) invested in the military or if they are being squandered or employed unwisely? Do the conditions imposed by the International Monetary Fund and the World Bank in conjunction with loans exempt States Parties from moving toward realization of the right to education?
- Does the obligation of States Parties to assure that primary education is available and free to all preclude imposing requirements on communities to provide buildings or other

infrastructure, or asking parents to buy books, uniforms or supplies for their children?

- Do significant long-term inequalities in the availability or quality of education defined by sex, race, ethnic group, region, language, religion or political affiliation constitute discrimination under the Covenant?

Second, the monitoring of this Covenant requires the formulation of appropriate standards and indicators through which to assess implementation, something which the Committee has not yet done. Currently the Committee requests information concerning four broad levels of formal education and other important features or aspects of the educational system, but it does not do so in relationship to designated standards and indicators. Thus the Committee lacks a systematic means by which to evaluate the performance of States Parties or to compare progress over time.

Third, although evaluating compliance with the right to education requires disaggregation so as to be able to compare the relative status of various groups, the vast majority of State Party reports merely provide national figures. According to the Committee, reports should pay particular attention to the situation of vulnerable and disadvantaged groups within society (for example, girls, children of low-income groups, children in rural areas, children who are physically or mentally disabled, children of immigrants or of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children of indigenous people). Moreover, the Committee has emphasized that reports should deal with the situation in practice, and not only with the legal or administrative provisions. Guidelines issued by the Committee for Article 13 of the Covenant mention, but unfortunately do not emphasize, the need to disaggregate statistics on literacy, enrolments and drop-out rates at all levels of education; graduation statistics; and financial provisions to provide such significant data.[8]

Fourth, the sheer volume of information specified in the reporting guidelines as the basis for evaluating compliance with the right to education requires a computerized information system, but the Committee lacks such a system. It still operates on the basis of a League of Nations-vintage filing system where information from previous reports has to be recovered manually. This precludes developing the times series data needed to assess progressive

implementation. Nor does the Committee have access to relevant statistical data collected by other parts of the United Nations system. Therefore the Committee generally confines its review to data provided in current reports.

Fifth, despite the Committee's openness to receiving information from nongovernmental organizations and to having such groups attend and contribute to its proceedings, very few organizations have taken advantage of these opportunities for participation. Because governments almost never admit to violations of human rights, the integrity and vitality of any human-rights review process depends on alternative sources of information. There is a major discrepancy between the number of groups that participate in the work of the United Nations Human Rights Commission and some of the other treaty monitoring bodies and the Committee on Economic, Social and Cultural Rights. One reason is that violations of civil and political rights attract far greater attention within the United Nations system than compliance with economic, social and cultural rights. Another is that few of the organizations interested in economic, social and cultural rights receive notification about meetings and reports from the Committee. Usually the United Nations communicates with organizations that hold full consultative status. Under United Nations rules only international human rights groups and nongovernmental organizations qualify, and most of these groups focus on civil and political rights. Regional and national human-rights groups and other nongovernmental organizations, some of which have a greater interest in economic and social rights, are not eligible for consultative status. Specialized nongovernmental organizations, like those interested in education, are generally even less connected to this review process.

Monitoring the Right to Education

Nongovernmental organizations can play an important role in monitoring the compliance of their government with the right to education. The following check list provides a starting point:

1. Exercise of rights depends on knowledge of their existence and commitment to and protection of the rights by relevant governments. To this end:

- Has the government publicly recognized the right to education?
- Is the government a State Party to the International Covenant on Economic, Social and Cultural Rights?
- If so, has the government informed citizens that the country is obligated to conform to the standards of the Covenant?
- Are educational plans predicated on efforts to achieve the right to education?
- Does the educational curriculum teach about human rights and strengthen respects for human rights?

2. The Covenant requires that primary education be compulsory and available free to all and that resources be invested to that end. Has the country achieved universal primary education (computed on the basis of the percentage of children in the appropriate age range, excluding over-age enrolments, who are actually in school)? If not:

- Are there trends toward steady increase in the percentage of eligible children attending school?
- Has the government eliminated all direct and indirect charges for primary school?
- Is the government investing an appropriate amount and proportion of resources in primary education?
- Have parents been informed that it is compulsory to send their children to school?

3. Under the Covenant, States Parties who have not achieved universal primary education are required to have a detailed plan of action to achieve this goal within two years of ratification, and all States Parties are encouraged to have plans of action for progressive implementation of the right to education at all levels of schooling within a reasonable period of time:

- Has the government formulated relevant plan(s)? What are their time-related goals and bench marks?
- Does the plan identify and rectify the major factors inhibiting the achievement of universal primary education?
- Has the plan been shared with relevant interested nongovernmental organizations and their views ascertained?

4. The right to education is predicated on all groups and individuals within a society having equal access to all levels and types of schooling. Major differentials by gender and amongst groups may reflect inequality in access to education, particularly if such patterns persist over time. To assess whether this is the case:

- What is the ratio of women (girls) to men (boys) attending different levels of schooling, their respective drop-out rates at each level, and their rates of graduation?
- Are attendance and completion rates considerably higher or lower for some racial, religious, linguistic or ethnic groups than others?
- Are there significant differences in educational participation by region?
- Do children from poorer families, groups and regions have lower participation and completion rates at different levels of education?

5. The Covenant establishes an absolute standard of nondiscrimination for all levels and types of education. Do patterns identified above reflect intentional government policies and/or serious failures of omission, such as the following:

- Are government patterns of investment in education equitable or do they favour some groups and areas and disadvantage others?
- In situations where there are single-sex schools or sex-specific programmes and streams, are there equal numbers of places and opportunities for females and males?
- Do government policies related to the siting of schools favour some groups and/or disadvantage others?
- Do government policies regarding the language of instruction, prescribed curriculum, content of examinations, recruitment of teachers, and setting of criteria for admissions to higher levels of schooling favour some groups or regions and/or discriminate against others?

6. The right to education as defined under the Covenant also requires States Parties to undertake affirmative-action measures to compensate for historical deficiencies in access to education and to address problems accounting for lower rates of participation and

achievement in education. To what extent has the government acknowledged and implemented this responsibility by:

- Exhibiting a special sensitivity to the needs and requirements of disadvantaged groups in its policies?
- Providing disproportionate financial investments in underserved areas, eliminating tuition and other charges, and offering financial incentives and fellowships?
- Implementing effective anti-discrimination measures?

7. The Covenant acknowledges the liberty of individuals and bodies to establish and direct educational institutions, subject to the requirement that such institutions conform with the principles of the Covenant and the minimum requirements laid down by the state. To this end:

- Is the freedom of individuals, groups, and bodies to establish and direct educational institutions legally recognized and protected?
- Does the government fully respect this right or are there reservations depending on which groups want to exercise the right?

8. The Covenant vests parents and legal guardians with the right to choose schools for their children other than those established by the public authorities, as long as they conform with government standards. It also gives parents and guardians the right to ensure the moral and religious education of their children:

- Does the government permit parents and guardians in all groups the right to choose schools other than those established by government authorities, even those who are among minority groups or political opponents of the government, or does it impose restrictions and limitations?
- Is the right to religious and moral education, consistent with the convictions of parents and guardians, recognized and applied equally for all groups?

9. To be able to monitor implementation of the right to education, a government requires reliable statistics, appropriately disaggregated, and organized into an accessible database:

- Are statistics on education reliable, appropriately disaggregated (by major groups), and organized into a database?
- Are these data fully available to researchers and nongovernmental organizations?

10. The Covenant imposes reporting requirements so that States Parties, as well as the Committee on Economic, Social and Cultural Rights, can evaluate compliance with the Covenant. The reporting procedures also encourage governments to consult with relevant groups in the preparation of reports so as to increase the accountability of States Parties. Therefore:

- Has the government submitted its required reports on schedule?
- Has it consulted with nongovernmental organizations in the drafting of the reports and/or shared the reports after submission?
- Are copies of these reports publicly available?
- Are the data in the reports correct, complete and comprehensive?

Applications of Data

Many governments, even those which have acceded to specific international human-rights instruments, are unaware of the scope of their obligations under international human-rights law. Nongovernmental organizations can play an important role by reminding their government about the requirements of a right to education and recommending ways in which their government can improve its performance. Preparation of reports to the Committee on Economic, Social and Cultural Rights can provide an opportunity for constructive inputs. In some countries, nongovernmental organizations have assisted governments in writing these reports. In others, nongovernmental organizations have submitted data independently to the Committee.[9]

In 1988, the Committee on Economic, Social and Cultural Rights became the first United Nations treaty-monitoring body to permit the formal submission of written statements by nongovernmental organizations. It has subsequently adopted the practice of permitting nongovernmental organizations to participate

in the day of general discussion on specific topics in their capacity as experts. Nongovernmental organizations which hold consultative status with the United Nations Economic and Social Council can submit written statements for circulation by the Committee. Other nongovernmental organizations can submit information for the country files consulted by committee members in the pre-sessional working group. Committee members draw on this information in reviewing the performance and in their oral questioning of governments.[10]

A second treaty body receptive to receiving information on State Party compliance with the right to education is the Committee on the Rights of the Child. It is the practice of the Committee on the Rights of the Child to invite local and international nongovernmental organizations to participate in working groups of the Committee held in advance of plenary sessions. Because the Convention on the Rights of the Child explicitly requires governments to make their reports available to the public in their countries, members of this Committee regularly query government representatives as to whether they have fulfilled this requirement and whether other bodies have been consulted in the preparation of the report.[11]

The Commission on Human Rights provides a third United Nations forum to refer violations of the right to education. Only international nongovernmental organizations with consultative status can participate effectively in the work of the Commission on Human Rights. World University Service, one such international nongovernmental organization, has a particular interest in the right to education and reports to the Commission about violations of the right to education.[12]

Notes

1. A listing of the 122 countries that acceded to the International Covenant on Economic, Social and Cultural Rights as of 1 August 1993 and the status of their submission of reports mandated under the Covenant is in E/C.12/1993/12.
2. *International Covenant on Economic, Social and Cultural Rights,* G.A. Res. 2200A, U.N.GAOR, 21st Sess., Supp. No. 16, at art. 25, U.N. Doc. A/6316, article 13, para. 2.

3. See, for example, 'The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights', *Human Rights Quarterly*, vol. 9, May 1987, pp. 125-9.
4. For an interpretation of these points, see Philip Alston (formerly the rapporteur of the Committee, and currently its chair), 'The International Covenant on Economic, Social and Cultural Rights', in *Manual on Human Rights Reporting*, New York: United Nations Centre for Human Rights and United Nations Institute for Training and Research 1991, pp. 43-8.
5. Committee on Economic, Social and Cultural Rights, 'Revised Guidelines Regarding the Form and Contents of Reports to be Submitted by States Parties Under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights', U.N. Doc. E/1991/23, Annex IV.
6. On this point, see Seminar on appropriate indicator to measure achievements in the progressive realization of economic, social and cultural rights, 20 April 1993, A/Conf.157/PC/73, para. 171.
7. Alston, pp. 490-96.
8. *Ibid.*, pp. 65-6.
9. It is possible to request information as to when a report of a specific State Party to the Committee is due, and when the Committee will review the performance of that State Party, through Mr A. Tikhanov, Secretary to the Committee on Economic, Social and Cultural Rights. Mr Tikhanov is also the appropriate person to whom written statements and information for country files should be submitted. He may be contacted at the Centre on Human Rights, Palais des Nations, CH-1211, Geneva 10, Switzerland. The fax number is 41 22 917 0123.
10. Michael H. Posner, 'The Establishment of the Right of Nongovernmental Human Rights Groups to Operate', unpublished paper circulated by the Lawyers Committee for Human Rights, 1993.
11. Ms Soussan Raadi-Azarakhchi, the Secretary to the Committee on the Rights of the Child, can be contacted at the same address and fax number as Mr Tikhanov (see above).

12. Information about violations of the right to education can be brought to the Commission on Human Rights through Frederiek de Vlaming, the Human Rights Officer of World University Service, at 5 Chemin des Iris, 1216 Geneva. Her fax number is 41 22 798 0829, and her e-mail address is GEO2.GEOMAIL.ORG!WORLD-UNIV.

2. Historical Notes on Academic Freedom in Africa[1]

Mahmood Mamdani

The Symposium on Academic Freedom and Social Responsibility of Intellectuals, Kampala, November 1990[2]

It is important to look at the Kampala Declaration in the context in which the meeting took place, to understand the nature of the discussions that took place there, and to gain a sense of the different perspectives that shaped debate. The first fact worth noting about the African symposium in Kampala was a rather startling shift in priorities: intellectuals who, in the past, laid claim to a leadership role, were now coming together on a platform of rights. This was connected to another shift: that in the nature of the university as an institution, which, since independence, had been shaped by a state-directed logic of development. It now found itself being defined by a market logic.

To understand the change, one has to place the shift in historical perspective. The first point is to accept that the university in colonial Africa was a rare phenomenon; universities were few and far between. For example, Nigeria had one university with 1,000 students at the end of the colonial period; by 1990 it had thirty-one universities with 141,000 students. The whole of East Africa had one university at independence; today it has fifteen universities. The whole of Francophone Africa had one university in the colonial period, the University of Dakar. University education was a fruit of the nationalist struggle, and the independent state was the key to its establishment. This context defined both the role and the function of the university as it was understood at that time. The state was the custodian of the development process, and the university the institution to train human resources — then called 'manpower training for development'. The university was a national asset, a training ground for personnel to manage development. The state would naturally play a key role in the management of the university.

At that time, in the 1960s and 1970s, the demand for autonomy seemed quaint, of little relevance, anachronistic, even anti-national.

Autonomy meant expatriate control; state control meant national control. That was the equation of the period. A major turning point was the budgetary crisis experienced by countries in the late 1970s, which eroded the developmental claims of the state: the era of university expansion was over and a period of crisis in the universities began. The World Bank entered with a carrot in one hand and a stick in the other. The carrot was much-needed financial resources; the stick comprised certain conditionalities that had to be met before the carrot was handed over. Two stood out. The first was budgetary discipline: the World Bank said that education was an investment like any other — foolish to make unless the returns were profitable. The second was that academic relevance had to be defined in terms of market logic: that is, relevant to market interests — jobs and investment. The World Bank notion of relevance turned out to be even narrower and more short term than the development logic of the state. In the 1980s, then, the state entered a process of transformation. It was rapidly changing from being a buffer to globalization to being its agent, with a rapid spread in structural adjustment programmes. The response of academics to these new pressures — state and markets, governments and donors — was to call for academic freedom and university autonomy.

The Kampala Symposium, organized by CODESRIA, whose affiliate members are social-science faculties and research institutes throughout Africa, met in November 1990. Leading academics from all over the continent, intellectuals of every ideological persuasion, as well as representatives from staff associations, Pan-African and United Nations agencies, student bodies and the donors, were invited to attend the broad-based forum. Newspaper reporters from all over Africa were invited because it was considered important that the public be informed.

Two questions were raised at the outset. The first concerned the language of rights, namely: did the discovery of rights signify the rise of a narrow professionalism? Was it a way of privileging our narrow interests, even a crude and shameless elitism? The Executive Secretary of CODESRIA responded: 'We do not believe in the primacy of our rights, nor can we enjoy them in isolation from other members of society.' The second question concerned the language of freedom: could not the ideology of freedom be an illusion that masks actual relations of domination? Given the temptation to view freedom in absolute dichotomies, either there or not there, existing or not existing, is it not true that freedom is

meaningful only in the context of domination? Only when one understands the actual relationships that dominate, constrain and shape intellectual activity, can one speak of autonomy in the context of those relations. The discussions centered on these constraints: the first was capital relations — the financiers; and the second those that stem from our inherent cultures.

The Capital Constraint

The capital constraint — what Marx termed 'the dull compulsion of market forces' — is represented by the group known as donors: the international financial institutions and bilateral agencies. These are respectively the hard donors, and the foundations whose assets are in excess of US$300 billion, offset against tax commitments — the soft donors. These latter foundations are the most benevolent face of philanthropy. They are also the most unabashed promoters of high culture. For instance, while the Ford and Rockefeller Foundations helped to develop the embryonic research infrastructure in many African countries in the post-independent period, they insisted that these institutions focus on narrow and specialized problems of development, thereby discouraging broader critical enquiry. The key questions are: Who shapes the agenda of research? How do their forces determine the flavour of the month, the flavour of the year, development yesterday, gender today and environment tomorrow? How did they subtly subordinate a democratic peer review process to a donor review process?

The other side of philanthropy is the lack of accountability. Whatever virtues one may claim for noblesse oblige, it certainly is not democratic. It is never accountable to the objects of its charity. One indicator of the spread of this market logic is the spread of NGO culture. NGOs are a mixed blessing. On the positive side they liberate middle-class initiative, and on the negative side they represent an undemocratic culture. Unlike trade unions, civic associations and cooperative societies, the beneficiaries of NGOs (those who receive their charity) are not members of the NGOs. The constituency of a trade union is its membership — it has the right to hold its leadership accountable — but the constituency of an NGO has no right to hold the leadership accountable.

The Cultural Question

The second debate was on whether culture constrains academic freedom and whether it stifles enquiry – in the language of the day, fundamentalism and tribalism. The discussion began on an ontological plane: on the essence of culture; for example, whether the essence of Islam is democratic or liberal. The discussion then moved on to the historical plane, with the understanding that culture changes through struggles.

A historical study of Algeria held Algerian intellectuals responsible for failing to create an autonomous environment of enquiry during the war of liberation. They were accused of reinforcing the traditions that maintained a state consensus and, after independence, of working as specialized technicians in the service of the state. Some intellectuals discarded the quest for freedom in favour of social mobility, while others embraced social change but through a notion of revolution from above. Some united in defence of traditional identity and values; others were convinced of the need for a modern state to ensure the rule of reason. On one side, then, there were those who embraced identity, and on the other side were the defenders of liberty. There was a strong desire expressed to break away from these traditions – from a functionalist tradition that sees knowledge as a way of reproducing usable data for domination, and from a nationalist tradition that seeks unity through ideological consensus. The lesson was that one must question both the imperial values which masquerade as universal truths and anthropological sentimentalism which glorifies society's slide into ruin.

Quality and Relevance

The question that confronts every social movement is: What is to be done? There is no way of answering that question without first confronting the dilemmas that exist. In the face of growing authoritarianism and an all-embracing market logic, many battles are fought but few victories are won. Perhaps the only victory is that we have survived! That process of confrontation also proved to be a source of self-knowledge, for through it weaknesses and isolation became apparent. No alternative sources of funding could be found to replace the shrinking state subsidies; nor could effective

allies in the struggle for autonomy be found. Thus driven into a corner, an appeal was made to local communities. Forced to address these communities, the intellectuals had to make assuptions about their attitudes. Intellectual idiosyncrasies became evident as it was realized that universities have little relevance to the communities around them. They are like potted plants in green houses: of questionable aesthetic value; mere anthropological oddities with curious habits and strange dress, the practitioners of modern witchcraft.

To academics accustomed to seeing themselves as leaders-in-waiting, or to students accustomed to being cajoled into accepting the mantle of leaders-of-tomorrow, these were harsh realities. They were forced to examine the issue of their relevance, not from the narrow point of view of state development requirements, but from the broader point of view of the surrounding communities' needs. There had always been resistance in the name of maintaining quality. After independence, faced with popular pressures for democracy in education, universities and independent states were not only determined to preserve the institutions they had inherited from their colonial mentors, but also to reproduce several replicas in order to maintain standards.

The new post-independent African university was triumphantly universalistic and uncompromisingly foreign. No concessions to local culture were made! Universities stood as the custodians of standards in outposts of civilization. Unlike their counterparts in Asia and Latin America, African universities do not speak the cultural language of the people. Instead the languages of instruction are French, English and Portuguese. The linguistic curtain shut the people out. Reform was limited to affirmative action, meaning Africanization of staff and of decision-making processes. Affirmative action left the institutions intact, simply changing their occupants; it was a way of forestalling institutional transformation — the survival strategy of minority colonial institutions under popular pressure.

There is an implicit belief that mediocrity is not being pursued and that universities fell prey to right-wing liberal traditions: traditions which argue that quantity is always achieved at the expense of quality, that democracy is always won at the expense of excellence. Can it be otherwise? Can the opposition between quantity and quality, between democracy and excellence, be relative and conditional, rather than absolute and unconditional? Is the

demand to 'maintain quality' a fig leaf for the maintenance of privilege? Can the call for quality be equated with a demand for conformity?

Experience has taught us that the truth is multiple. There is not a single standard for all situations. If one stands by democracy, one cannot also stand by a notion of standards that is unilateral, uniform and unchanging. Academic freedom is a not a natural right; it is a democratic right. Academic freedom is a historical right which has to be fought for. Nowhere have universities won autonomy on their own and in isolation from other democratic struggles. No declaration or charter can guide anyone in these struggles. It is obvious that a prerequisite to creating autonomous space is to define relations with society on a democratic basis. It is time to begin thinking of rooting African universities in African soil.

Notes

1. Lecture given at the International Conference on Academic Freedom, January 1993, University of Fort Hare, South Africa, organized by WUS South Africa and the University of Fort Hare.
2. The Kampala Declaration on Intellectual Freedom and Social Responsibility, November 1990.

3. Malawi

Richard Carver

Introduction

The year 1993 was one of momentous political change in Malawi. However, it remains to be seen how far significant improvements in the government's respect for human rights will be reflected in the spheres of education and academic freedom.

In a referendum in June 1993 a two-thirds majority of Malawians voted to end the existing single-party system of government and move to multi-party democracy. By the end of the year the one-party state was no more, and much — but not all — of the repressive legal apparatus of the old system had been dismantled. Multi-party elections were scheduled to take place in May 1994. However, two questions remained unanswered. First, would the legal reforms initiated after the referendum be followed through to their conclusion? Of particular importance was the fact that although many laws restricting freedom of expression had been repealed, the Censorship and Control of Entertainments Act remained in force. Second, how wholehearted was the government's commitment to the reform process? The referendum campaign was marked by serious intimidation on the part of government supporters. This raised the possibility that similar tactics would be used in the run-up to the May 1994 elections. If the ruling Malawi Congress Party (MCP) were to win those elections, it is unclear whether or how far it would try to revert to the repressive methods of past years.

Another imponderable element in the political situation is the role of the army. In December 1993, the army took over installations run by the paramilitary Malawi Young Pioneers, who had played an important role in intimidating political opponents. Young Pioneers were disarmed and some killed. The army's intervention was widely acclaimed by the public, as well as by the opposition parties. However, the action of the army, which had previously remained aloof from politics, created a threat of further military intervention in politics either before or after the elections.

From 1966 until 1993, Malawi was a one-party state headed by Life-President Dr Hastings Kamuzu Banda. The MCP exercised an

extraordinary degree of control over political and intellectual life at all levels. Political opponents or suspected rivals from within the ruling party were imprisoned, exiled or killed. President Banda is believed to be in his nineties. In 1993 he suffered a serious decline in health, and in October underwent brain surgery. In his absence, power passed to an interim Presidential Council, which included John Tembo, the minister of state in the president's office, who has been the day-to-day ruler of Malawi for a decade or more. John Tembo's niece, Cecilia Kadzamira, is President Banda's companion and the country's 'Official Hostess'. Members of the Tembo-Kadzamira family occupy important positions in all sectors of society, including education.

Women play an important symbolic role in Malawian politics, although they occupy a subordinate position in society as a whole. The Chewa – the country's largest group, to which President Banda belongs – are matrilineal. One man, known as the *nkhoswe*, is delegated to mediate in disputes between the women heads of families. President Banda describes himself as '*Nkhoswe* Number One' and claims to be ruling on behalf of the *mbumba* – the mothers and daughters. The effect of this is to exclude other men from power. Wherever he goes, President Banda is greeted by women dancers, the *mbumba*, singing his praises. The national women's organization, Chitukuko Cha Amai mu Malawi (CCAM), which is headed by Cecilia Kadzamira, also plays an economic role. CCAM members make handicrafts for sale, but are not paid for this work and do not receive the proceeds. Critics have compared the system with the colonial use of *thangata*, or forced labour.

For a quarter of a century Malawi was seen as a staunch ally of Western interests in southern Africa. In particular it maintained diplomatic relations with South Africa throughout the period when that government was ostracized elsewhere in the region. Malawi has been a major recipient of both Western and South African aid and has received military and police training from South Africa. For much of the 1980s the country provided rear bases for the South African-backed rebels of the Resistência Nacional Moçambicana (RENAMO), Mozambique National Resistance.

In recent years, however, the changing situation in South Africa, combined with a growing economic crisis and Western concern over human-rights abuses, meant that Malawi ceased to enjoy the same strategic significance. The results of this fall from

favour were seen in May 1992 when the major Western aid donors suspended all non-humanitarian assistance to Malawi until the government made serious efforts to improve its human-rights record. This external pressure undoubtedly played a crucial role in forcing the government to reform the political system. The suspended aid was restored in December 1993. It remained to be seen whether the government would continue on its reformist course.

The social and economic situation

Malawi has a population of some nine and a half million in an area of about 118,000 square kilometres, of which one fifth is water. It is one of the poorest countries in the world. Per-capita gross national product is $160; the infant-mortality rate is 153 per 1000 live births; and life expectancy is forty-six years.[1] The country is divided into three administrative regions. The Southern Region comprises about 50 per cent of the population, the Central Region about 38 per cent, and the Northern Region about 12 per cent.

The Malawian economy remains dominated by agriculture. The country's main export products are tobacco and tea, and sugar to a lesser extent. The post-independence government has encouraged the development of smallholder agriculture in the Central Region. Tea and sugar are grown on large plantations in the south. The increasing cultivation of cash crops has had a serious environmental impact, with widespread felling of trees causing soil erosion. Until the mid-1980s Malawi exported food, but this trend has been reversed in recent years. Also, the southern part of the country was badly hit by drought in the early 1990s, and a significant proportion of the Southern Region — the most densely populated — became dependent on food aid. An important though diminishing part of Malawi's foreign-exchange earnings have come from the remittances of migrant workers travelling to the South African mines. There is a small industrial sector centred on Blantyre.

Much economic activity, including retailing and tobacco farming, is dominated by the quasi-governmental Press Group. In the mid-1980s the group was restructured following advice from the World Bank after frequent allegations of financial irregularities. However, the principal trustee of the Press Trust, which holds all the group's shares, is still President Banda. The president's personal wealth is believed to be great; for example, 40 per cent of tobacco is reported to be grown on estates that he owns.[2]

In recent years the strain to the country's economy has been increased with the arrival of more than a million refugees fleeing the war in Mozambique – equivalent to more than 10 per cent of the Malawian population. They are concentrated in the south of the country. By most accounts, Malawi's treatment of the refugees has been humane and generous.

Human rights

The human-rights situation in Malawi changed dramatically in 1993. Although the first half of the year was marked by the harassment, intimidation and arrest of opposition activists in the campaign for the June referendum, there was nevertheless a degree of open criticism of the government which would have been scarcely conceivable only a few months earlier. For example, a vigorous independent press emerged. After the referendum had shown a clear majority in favour of political reform, the ban on opposition parties was lifted and an amnesty declared for political exiles. The operation of the 'traditional courts', where political opponents received unfair trials from judges personally accountable to President Banda, was suspended.

In November, parliament repealed a number of the most repressive laws, including the Forfeiture Act, which allowed the government to seize opponents' property, and those sections of the Preservation of Public Security Regulations that allowed detention without trial for reasons of security. (However, other sections of the Regulations allowing the banning of publications and the imprisonment of journalists remained in force.) The sections of the Penal Code dealing with the offence of sedition were amended to ensure that political critics could no longer be charged unless they were alleged to have incited people to violent opposition.

For more than a quarter of a century the MCP dominated every aspect of life in the country. Party members patrolled public places demanding to be shown a membership card before people could obtain the necessities of life – such as admission to a market, boarding a bus or receiving health care. Many of those employed in the formal sector, including teachers and academic staff, have a 'voluntary' contribution to President Banda deducted from their salaries at source. Those, like the Jehovah's Witnesses church, who refused on principle to join the party faced harassment, imprisonment or worse. (The Jehovah's Witnesses were banned and thousands of their adherents were imprisoned over the years. The

ban was lifted in 1993). An extensive network of spies and informers succeeded for many years in intimidating the population and preventing the emergence of coherent political opposition. Many individuals were arrested for unguarded remarks made in conversations in bars or private houses.

Detention without trial under the Preservation of Public Security Regulations was one of the government's main weapons in the suppression of political dissent. Although most political detainees were released in 1992, human-rights organizations alleged that three men were still being held in 1993 who had been arrested for political opposition in the mid-1960s. The country's best-known political prisoner, Vera Chirwa, who had served eleven years of a life sentence imposed by a 'traditional court', was finally released in January 1993.

The government has failed to respond to calls for an independent commission of inquiry into the unexplained deaths or 'disappearance' of political figures. This demand was increasingly voiced by local and international human-rights groups, as well as the families of those who died. The establishment of an official investigation into past human rights abuses is clearly of importance to future academic researchers wishing to document Malawi's recent history.

While 1993 saw the dismantling of much of Malawi's formal apparatus of repression, there was a trend towards the use of informal harassment and intimidation. This was seen in the months before the referendum, when party functionaries — especially members of the MCP youth wing — issued threats and handed out beatings to opposition supporters. Towards the end of 1993, as the parties began to prepare for the 1994 elections, such incidents were once more on the increase. In some cases members of the Nyau cult, a secret society which has long been associated with the ruling party, appear to have been responsible for violence against opposition supporters.

The Right to Education

For the first two decades after independence, government educational policy placed its main emphasis on developing secondary and higher education. The rationale was that the country needed skilled manpower, not an 'overeducated' labour force which

would seek higher wages and drift from the rural to the urban areas. Despite this emphasis, only 4 per cent of the 14 to 17-year-old age group is enrolled in school. From the early 1980s there has been a shift in emphasis towards primary education, probably under the influence of World Bank structural adjustment lending. The 1985 Education Development Plan states for the first time that universal primary education is its ultimate objective.

Since independence in 1964 there has clearly been an expansion of educational provision at all levels. According to World Bank figures, 64 per cent of primary-school-age children were enrolled in 1986, compared with 44 per cent in 1965. (However, net enrolment figures from the Ministry of Education indicate that only 53 per cent of 6 to 13-year-olds are at school.) At the secondary level the corresponding figures are 4 per cent and 2 per cent. At the tertiary level there was no university before independence. One per cent of the relevant age group is now in higher education.[3] Adult literacy has doubled since independence.

However, it is clear that education is a low priority for the government in the allocation of resources. The proportion of public recurrent expenditure allocated to education was 18 per cent in 1963. By 1990-91 it had fallen to 9.8 per cent. Government education spending is 3 per cent of GDP (compared to 5.1 per cent just after independence). This compares badly with Zambia (5 per cent), Zimbabwe (7 per cent) and Botswana (8 per cent). A recent study of the Malawian education system concluded that 'education was deliberately underfunded so that the economy continued to provide cheap unskilled labour for the estates and labour-intensive manufacturing industry'.[4] Most workers on agricultural estates have received less than two years primary education.

Primary education is not free or compulsory in Malawi. According to official figures, 1,202,836 children attended primary school in 1988 — somewhat more than half the relevant age group. Although ultimate control of Malawi's schools lies with the Ministry of Education, responsibility for government primary schools rests with local education authorities. Historically, Christian missions, particularly Presbyterian and Roman Catholic, have been an important provider of education at both primary and secondary level. More recently Islamic schools have emerged. Between the unassisted religious schools and the government schools is a sector of 'assisted schools', which are run by religious or other institutions

but receive grants from the Ministry of Education for the salaries of trained teaching staff.

The average pupil-teacher ratio in primary schools is 69:1. However, in many areas it is far higher and it is not uncommon to find 100 pupils in a standard one classroom.[5] Primary education lasts for eight years from an entry age of about six. Soon after independence new syllabuses were introduced which were intended to reduce rote learning, involve the pupil more actively in learning, and stress the acquisition of analytical skills. By the early 1970s a new science method was in use, as well as the 'new mathematics'. However, President Banda publicly criticized these teaching methods, and in 1972 he called a national education conference which reversed these 'progressive' methods and reverted to 'traditional' teaching.

Primary education had seen a considerable expansion in the decade before independence as a result of the enthusiasm of many Africans for education as a means of self-advancement. There had been no corresponding expansion in secondary education and it was left to the post-independence government to preside over a quadrupling of secondary-school places in the late 1960s. However, the most significant new development in secondary education since that time has been the founding of the elite Kamuzu Academy (see below).

All government secondary schools are under the control of the Ministry of Education rather than local education authorities. The full secondary course is four years — Forms I to IV. Pupils sit the Junior Certificate of Education at the end of Form II and the Malawi Certificate of Education at the end of Form IV. According to official figures only 28,564 pupils were enrolled in secondary schools in 1988, although an estimated 40,000 were taking courses with the Malawi College of Distance Education.

Clearly, there are serious objective constraints on the provision of education: the absolute poverty of the country and its high rate of population growth — 3.8 per cent between 1980 and 1987. However, the main reason for low school rolls is the relatively high level of school fees — all government and assisted schools charge a fee, usually between about 5 kwacha and 20 kwacha each year (1 kwacha is equivalent to about US$4.5). A study by the Ministry of Education and Culture in 1983 revealed, unsurprisingly, that a high proportion of pupils dropped out of school because they could not pay the fees. After an increase in fees of 22-28 per cent in 1982-83,

drop-out rates in Standard 1 increased from 34 to 44 per cent. A large proportion of dropouts occur after the first term when tuition fees are due.[6] Another factor in low school rolls is the extensive employment of child labour in estate agriculture, which is not prohibited under Malawian law. Figures from Thyolo and Mulanje, both districts where tea estates employ large numbers of children, have shown school enrolment of less than half the 6 to 13-year-old age group.[7]

A pastoral letter by the country's Roman Catholic bishops in March 1992, which played an important role in sparking the transition to democracy, was particularly critical of failures in the educational system:

> It is more and more widely recognized that standards of education are not only not rising, but are actually falling. Clearly there can be little hope of creating an environment favourable to the emotional, intellectual and spiritual development of pupils when schools are grossly overcrowded and suffer from a serious lack of teachers. While the present acute shortage has been made much worse by the policy of requiring all teachers to remain in their own regions, final solutions to these problems will also demand generous increases in the resources made available to education. This will have very practical implications for the way in which our national priorities are established and the budget distributed.[8]

The greatest inadequacy in provision of schools is clearly at secondary level and above. This has led many observers to question the priority accorded to the elite Kamuzu Academy, opened in 1981. The school is near the site of the tree where President Banda received his own primary education in the early years of the century. Modelled on an English public school, it gives a classical education to some 360 pupils chosen on academic merit. They learn Latin, Greek and ancient history. English literature is taught — but not Malawian or other African literature. There are no African teachers at the school. School fees are some 400 kwacha a year. Running costs of about 5 million kwacha a year are paid out of presidential funds. This compares with a Ministry of Education budget of less than 40 million kwacha in 1988-89. A recent press report estimated that, by contrast with the 1,000 kwacha spent on

each pupil at the Kamuzu Academy, the government spends little over 1 kwacha per child on educating the rest of the population.[9] The Roman Catholic bishops commented:

> The criteria used in selection of pupils for secondary schools and third-level institutions should be known to all and should be seen to operate fairly. Nor should they work to the disadvantage of particular individuals or groups. Access to education should not depend on whom the candidate knows or how much money he possesses.[10]

Access

There is discrimination in access to education on grounds of sex, regional or linguistic origin and, to a lesser extent, religion. Unequal access to education for girls is a cause for serious concern. According to the World Bank, 72 per cent of boys are enrolled in primary school, compared with 55 per cent of girls. At secondary level the figures are 6 per cent and 3 per cent. Observers note that, at both primary and secondary level, girls tend to drop out after the lower grades.[11] Only 22 per cent of the students enrolled in higher education are women.[12]

Official discrimination against Tumbuka-speakers from northern Malawi has had a serious impact on the quality of education provided not only for northerners, but for Malawian pupils generally. Historically, the Northern Region of Malawi has been the economically least developed part of the country. However, its elite has benefited from a better standard of education, primarily because of the impact of the Free Church of Scotland mission at Livingstonia. President Banda, John Tembo and others in control of the Malawian government are Chewa-speakers from the Central Region. Under colonial rule their education, largely under the control of the Dutch Reformed mission at Nkhoma, was of a lower standard. An important effect of this disparity has been that northerners have had a disproportionately high representation in the civil service and education — a source of resentment to the politically dominant Central Region elite. There have been periodic purges of northerners in these sectors, which have had a disastrous impact.

Parts of the South have also suffered from systematic discrimination, notably Mangochi District and other Yao-speaking areas. There are two principal reasons for this. One is the support

given by the Yaos to Henry Chipembere and other political rivals of President Banda, expelled from the government in the Cabinet Crisis of 1964. The other is the high proportion of Muslims in that part of the South, who have been systematically excluded from public life and from the Christian-dominated educational system. Muslims comprise at least 12 per cent of the country's population.

In 1965 the government introduced quotas for secondary-school entrance in order to promote pupils from the Central Region at the expense of the North: 40 per cent Central, 40 per cent Southern and 20 per cent Northern. The effect was that northerners had to achieve higher examination grades than pupils from other regions in order to gain admission to secondary schools. As a method of promoting Central and Southern pupils it seems to have largely failed, since the drop-out and failure rate for them was higher.

In 1988 the government alleged that the chairman of the Malawi National Examination Board, Donton Mkandawire, had packed the Board with his fellow northerners in order to influence the results of the Malawi Certificate of Education. No evidence was presented to support the allegation. Most northerners were removed from the Board and Mkandawire fled to Botswana. (However, in 1993 he returned to the country as Minister of Information.)

In February 1989, President Banda ordered that all teachers should return to schools in their district of origin. He claimed — again without substantiation — that Northern teachers in the Centre and South were teaching deliberately badly in order to favour their own region. The redeployment caused chaos, partly because such a high proportion of teachers came from the North — for example, three quarters of science teachers in the Southern Region were northerners. Thus the impact was felt not only by the teachers themselves but by pupils in other regions. The pupil-teacher ratio in the South rose from 61:1 before the redeployment to 76:1 afterwards.[13] Teachers who returned to the North often faced unemployment or demotion. Many families were split down the middle when both man and woman were teachers but came from different regions — linguistic divisions are extremely fluid and intermarriage between the regions is very common. Eventually, the government ruled that women teachers could be deemed to originate from the husband's home district.

The redeployment of teachers was widely criticized in educational and civil-service circles, as well as by the public. A number of cases were documented of individuals being arrested for

criticizing the move. For example, Thoza Konje, a manager with the Sugar Company of Malawi, was detained without charge for two years after he had been overheard telling drinking companions that the redeployment was impractical and would have disastrous effects on the education system.

In 1968 Tumbuka, the main language of Northern Malawi, ceased to be an official language. At the same time Chewa, President Banda's own language, became the sole national language (English remains as the official language). The effect of this was to remove Tumbuka from the press and broadcasting. Chewa is spoken as a mother tongue by less than half of the Malawian population, although the related Nyanja language is spoken by many in the South.

Chewa is used as a medium of instruction in schools, whereas Tumbuka is not. In Standards 1 to 3 the language of instruction is Chewa. From Standard 4 upwards all teaching is in English, but examinations in Chewa — along with English and arithmetic — are compulsory. These and other discriminatory measures are officially justified as attempts to overcome the discrimination and regional privileges that are a legacy of colonialism. In practice, however, such measures are aimed as much against the Southern Region as the Northern. The South suffered the worst depredations of colonial rule, particularly through the *thangata* system of forced labour on agricultural plantations. Educational discrimination, far from repairing the damage of colonialism, exacerbates its effects.[14]

The 1961 manifesto of the Malawi Congress Party identified the colonial discrimination against Muslims: 'The Party will pay special attention to those parts of the country like the Moslem areas of Fort Johnstone [now Mangochi] where education has been deplorably neglected'.[15] However, this pledge was not met. On the contrary, Muslim denominational schools were effectively prohibited until the 1980s, while Christian schools flourished. In 1989 the government closed a Muslim primary school in Zomba, apparently after lobbying from Christian denominations. Unlike government and Christian schools, the Muslim school was free and becoming increasingly popular.

Higher education

The University of Malawi was founded in 1964, the year of the country's political independence, with Dr Banda as Chancellor. In the previous decade, Nyasaland (as Malawi was known) had been part of the Central African Federation, and Malawians seeking higher education had to attend either University College in Salisbury, Southern Rhodesia, or a foreign institution.

The university initially comprised five constituent institutions. Two had been created before independence: Soche Hill Teacher Training College in Blantyre and the Institute of Public Administration at nearby Mpemba. In addition three new institutions were created: Chancellor College, for the liberal arts and science, Blantyre Polytechnic, and Bunda College of Agriculture near Lilongwe. In 1973 Chancellor College moved from temporary accommodation in Blantyre to a newly built campus in Zomba. Soche Hill College and the Institute of Public Administration were incorporated into Chancellor College, creating a structure which continues to the present. The University of Malawi had 2,685 students in 1989-90. In November 1993, the chairman of the University Council, Louis Chimango, announced that plans to build a second university were well advanced.

Admission to the University of Malawi is governed by discriminatory regional quotas similar to those that apply to secondary-school admission. However, it seemed likely that the university would be forced to revise this policy after a High Court ruling in 1993.

A regional quota system for university admissions was introduced in 1969, but because of the high drop-out rate for Central and Southern students, those from the North remained the dominant force. In 1987 a revised district quota system was introduced, since the Northern Region, with about 12 per cent of the population, continued to account for about half of university places. Under the new system each district is allocated ten places. The remaining places are allocated on merit. The measure is unpopular not only because it is discriminatory, but also because it is seen as undermining academic standards. It was a major grievance expressed in a student magazine, leading four of its editors to be expelled in 1988. However, it seems that in practice last year there was only one district which had students who gained admission

solely because of their origin who would not otherwise have been accepted on academic grounds.

In July 1993 High Court judge Michael Mtegha ruled that the district quota system was unlawful since it was not based upon merit. The university was due to review its policy and seemed likely to scrap the quotas.

Academic freedom

All teaching and intellectual life is circumscribed by the activities of the Malawi Censorship Board, which controls all publications. Despite the substantial reforms enacted by parliament in November 1993, the 1968 Censorship and Control of Entertainments Act remains in force. Its purpose is

> to regulate and control the making and the exhibition of cinematographic pictures, the importation, production, dissemination and possession of undesirable publications, pictures, statues and records, the performance or presentation of stage plays and public entertainments, the operation of theatres and like places for the performance or presentation of stage plays and public entertainments in the interests of safety, and to provide for matters incidental thereto or connected therewith.

A 'publication' is defined broadly enough to encompass works such as academic papers, as well as any newspaper, book, periodical, pamphlet, poster, playing card, calendar or other printed matter, plus any writing or typescript that has in any manner been duplicated or exhibited or made available to the public or any section of the public.

Publications are banned if they are 'likely to give offence to the religious convictions or feelings of any section of the public, bring anyone into contempt, harm relations between sections of the public or be contrary to the interests of public safety or public order'. The Censorship Board is established under the Act. Possession of a banned publication can be punished by imprisonment. Hundreds of books are banned. These include political works, overwhelmingly left-wing. No serious study of Marxism or other socialist political theory has been possible in Malawi. However, the majority of banned books are works of literature, including works by Émile

Zola, George Orwell, Graham Greene, Ernest Hemingway, Wole Soyinka, Simone de Beauvoir and a host of other prominent writers.

In 1977, a former secretary-general of the MCP, Albert Muwalo Nqumayo, was tried for treason. One of the counts against him was that he had been found in possession of a banned publication, George Orwell's *Animal Farm*. He was also found to have political and historical works about the Soviet Union. The judges found that although these works were not banned, they undoubtedly would have been if they had been imported legally. Possession of them was clear evidence of subversive intention. Albert Muwalo was found guilty and sentenced to death.

Drama is subject to different rules. Play texts are not included on the banned list, but they have to be approved before performance. The vigorous drama department at Chancellor College has been particularly badly hit. In 1972 there was a university drama festival with eight short plays, all of which had been approved by the censors. After the first performance a member of the audience objected to some of the plays — there is a provision in the Act allowing for members of the public to complain anonymously about material which has 'caused offence'. The Censorship Board insisted on seeing all the plays in special performance and proceeded to ban four of them. After that it became a requirement that the Board had to see a dress rehearsal of a play.

A number of plays have been banned, including *The Burdens* by John Ruganda, *The Two Paupers* by Kamchedzera Sandifolo, and *The Lion and the Jewel* by Wole Soyinka. The latter was banned because of a reference to 'open breasts' and a supposed ridiculing of African traditions. The chairman of the Censorship Board described the Nobel Prize-winner Soyinka as 'a bad man who has been chased out of his country', and ruled that none of his plays could be performed. (The ban on *The Lion and the Jewel* was later lifted and the play performed.) The same chairman also banned Samuel Beckett's *Waiting for Godot*, but again one of his successors relented. A collective play produced by the drama department at Chancellor College, *They Call it Africa*, was approved and had one tumultuous performance, but was then suspended. Other plays produced by the drama department have had sections cut, notably *Woza Albert* by Percy Mtwa, Mbongeni Ngema and Barney Simon, *The Curse* by Kole Omotoso, and *Ulemu Unlimited* by Chilimira

Katundu and David Kerr. The latter had a whole scene cut which satirized corrupt religious leaders.

Sometimes the interference comes from the police rather than the Censorship Board. In two instances — Omotoso's *The Curse* and *M'memo*, a collective play about workers' conditions and an unsuccessful strike — the Censorship Board approved them, but the police intimidated performers and technical staff, threatening actors with imprisonment and going backstage during performances.

It has been suggested that the censorship regime has been liberalized since 1980. This followed a visit that President Banda made to Meharry Medical College in the United States, where he had trained as a doctor. He had been presented with a book, which he recommended to his Cabinet — only to discover that it was on the banned list. However, most of the examples of censorship cited here have been since 1980. A further embarrassing incident occurred in 1987 when the Prince of Wales, on a visit to the country, publicly recommended the film of E.M. Forster's *A Room with a View*. It too had been banned.

All textbooks or set reading for any course of study, whether in schools or at university, must have the approval of the Censorship Board. In one case the Board refused to approve a book on the Green revolution for an economics course on the strength of its title alone — revolution could not be countenanced in Malawi. In another instance, an English textbook for schools, which had previously been used in Kenya and Zimbabwe, was denied approval because it contained a comprehension passage from *Song of Lawino* by the Ugandan poet Okot p'Bitek, which is on the list of banned books. In a third case, the Board banned *Song of a Goat*, by the Nigerian writer J.P. Clark, from use as a set text. The censors appear to show a particular hostility to contemporary African literature.

In 1985 the Censorship Board instructed schools to hand in all copies of two books of Malawian poetry: *When Sunset Comes to Sapitwa* by Felix Mnthali, and *Of Chameleons and Gods* by Jack Mapanje. At the same time, police Special Branch officers went to the university bookshop, bought all copies of Mapanje's book in stock and dumped them in a pit latrine. Mapanje at the time was both head of the English Department at the university and chairman of the English syllabus committee of the Malawi Certificate of Education and Testing Board. The book was never formally banned,

although its author was later detained without charge for nearly four years (see below).

Over many years a sustained challenge to censorship was mounted by the Writers' Group, organized under the auspices of the English Department at Chancellor College. The group was set up in 1970 in an effort to encourage new Malawian writing, and became the only relatively free forum for discussion of literature. Its membership was drawn from both inside and outside the university. At weekly sessions, often attended by about sixty people, participants would read and discuss short stories and poems. Texts are kept in an archive in the English Department. However, although the group remained active and vibrant for many years, it was forced into decline by state harassment of many of its most experienced and talented members.

An earlier literary generation had already been driven into exile, including novelist Legson Kayira and poet David Rubadiri. Jack Mapanje has written:

> I remember, when I first joined the staff of the university, seeing the late Professor James Steward going through the humiliation of ripping David Rubadiri's poems out of the Heinemann anthology called *Poems from East Africa*, edited by David Cook and David Rubadiri.[16]

In 1975 Felix Mnthali, a member of the Writers' Group, was arrested and detained for a year at Zomba Central Prison. When he was arrested, police officers seized from his house some of his collection of records of classical music. They took those works by Russian composers or featuring Soviet musicians — an indication of the paranoid anti-communist witch-hunting that Malawian academics have had to endure. After his release he went into exile and, like David Rubadiri, now teaches at the University of Botswana.

In 1983 Zangaphe Chizeze was detained for a year, and one by one members of the Writers' Group went into exile: Lupenga Mphande, Frank Chipasula, Steve Chimombo, Innocent Banda. Jack Mapanje remained as the key figure in the group — a poet of international reputation and a highly respected theoretical linguist. On 25 September 1987, police arrested him in Zomba and detained him, without charge or explanation, for nearly four years at Mikuyu Prison.

Even since his release, the reasons for Jack Mapanje's detention have remained a matter for speculation. It seems likely that the authorities were concerned about Mapanje's plans to publish a second collection of poetry and about an invitation for him to take up a post of writer-in-residence at the University of Zimbabwe. When they arrested him they seized copies of a paper he had delivered at a conference in Sweden in 1986. Entitled 'Censoring the African Poem: Personal Reflections', the paper includes an account of his problems with the police and Censorship Board over *Of Chameleons and Gods*.

In January 1988 Blaise Machila, one of Jack Mapanje's former colleagues in the English Department, was arrested and joined him in Mikuyu Prison. A diagnosed schizophrenic, he had been distressed by Mapanje's arrest and voluntarily admitted himself to a mental hospital, where he began to criticize President Banda and other political leaders for his friend's detention. The hospital authorities called the police to the hospital. The same night he was discharged from the hospital and arrested. Much of his time in Mikuyu was spent naked and in leg irons. He was released in January 1991.

For the first twenty-two months of his detention, Jack Mapanje was allowed no visits from his family; and throughout his imprisonment he received no visit from a priest – he is a practising Roman Catholic. He was finally released – still without a word of explanation – in May 1991.

Another head of a university department who was detained briefly was Dr Matembo Nzunda of the Department of Law. He was arrested after a letter of his had been published in the July 1991 issue of a Roman Catholic magazine, *Moni*. He criticized the recent arrest of a number of women for wearing or selling culottes – under Malawian law at the time women were not allowed to wear trousers, a provision which has since been repealed. He and the publisher of the magazine were held for two days. In its next issue, *Moni* devoted its editorial column to an apology for 'inadvertently' publishing Dr Nzunda's letter, which it described as 'erroneous and misleading'.

On a number of occasions foreign academics, of whom there are many at the university, have been expelled from the country for offending the government. Historian Landeg White was deported in 1972 after *Vanguard*, a student magazine to which he was

editorial advisor, had published a poem that was critical of old men. President Banda is reported to have ordered the university not to use the services of a linguist from the University of London, Professor Wilfred Whiteley, after he had commented in a report that the number of Chewa speakers had been exaggerated in official estimates. In the late 1970s a member of the English Department, Robin Graham, was deported after he had failed to submit to the Censorship Board some of the contents of *Odi*, a literary magazine produced in the department.

Clearly the most vulnerable disciplines have been those like English, law, the social sciences — and linguistics — where honest research may come up with conclusions that directly challenge the official view. History presents a particular problem. Post-independence history is out of bounds for obvious reasons, but the period of the independence struggle is also extremely problematic. An honest examination would have to consider the roles of many political figures who later fell out with Dr Banda, some of whom are still alive and all of whom remain anathema. The president's political credibility rests upon the assertion that he single-handedly defeated the colonial Central African Federation and achieved independence. Malawian historians do not need to be told that this is an area to be avoided. The historians Vail and White have commented:

> The Cabinet Crisis [of 1964], despite its central significance to Malawi's history and despite the fact that it occurred well over twenty years ago, remains a wholly embargoed topic. The names of those who contributed to the rise of Malawian nationalism in the 1950s can be mentioned only in secret. During the show trial of Orton and Vera Chirwa in 1984, when Vera Chirwa began her testimony with the statement, 'When I founded the Malawi Women's League . . .', a tremor of excitement ran through the spectators. The simplest historical fact has become subversive.[17]

However, there have been significant changes in the past year. An independent newspaper, *The Monitor*, ran a series of articles on Malawian history which were greeted with considerable popular interest. It seems likely that the new popular mood of criticism will be reflected in greater freedom of intellectual inquiry, although the

mood at the university remains cautious. Many academics were awaiting the outcome of the May 1994 elections before they committed themselves to avenues of study which may yet prove politically unwise.

In the past, subversion has be detected in the most bizarre places, making teaching a high-risk profession. Thus Dr Ishmael Mazunda, a staff member at the Malamulo Seventh Day Adventist Hospital, was arrested in 1989 and detained for more than a year for remarks he made during a lecture on the human reproductive system. Dr Mazunda had said that while an old woman was incapable of bearing children, an old man could still father them. It was alleged that he had said '*the* old man' — that is, President Banda. The background to the case is that Dr Mazunda, as secretary of the hospital's disciplinary committee, had expelled a number of students for stealing drugs. One of the students was related to a senior official in the Ministry of Health and they had used that connection to denounce Dr Mazunda. The case shows how ludicrous official sensibilities are often exploited because of personal and professional jealousies.

Students have suffered equally severe restrictions on their freedom of expression. In 1972 two student publications, *Vanguard* and *Expression Supplement*, were banned. Up to that point there had been an informal agreement that any publication circulated solely on campus did not have to be submitted to the Censorship Board. The student editors of a Chancellor College campus magazine, the *Chirunga Newsletter*, ran into similar problems in 1988. An issue of the magazine reported on a number of student grievances, of which the most serious was the government's introduction of the district quota system for admissions. However, another of almost equal sensitivity was a complaint that the national women's organization, the CCAM, had ruined one of the college hockey fields by holding its annual convention on it. The magazine published a poem which lamented for the lost hockey pitch under the title 'Come, Come and Mend' — the initials being CCAM. Since Cecilia Kadzamira, the 'Official Hostess', is head of the CCAM, no criticism of its activities is permitted, however cryptic. The *Chirunga Newsletter* also carried articles criticizing the refusal of the university authorities to readmit students who had interrupted their studies for maternity leave, and the high rates of interest changed under a student loan scheme that was funded by foreign aid grants.

The editor of the *Chirunga Newsletter*, George Chazama, and two of the magazine's reporters were summoned before the British vice-chancellor of the university, John Dubbey, and told that they were suspended for the rest of the academic year. In February 1989 a total of four students were expelled from the university, at least three of whom fled the country in fear of arrest. The *Chirunga Newsletter* episode prompted the first student demonstrations at the university for many years. Since then there have been many more, as both students and academic staff have become emboldened.

University Autonomy

The governing body of the University of Malawi is the University Council. Its composition reflects an ambivalence about whether the university is a state institution or an autonomous seat of learning. The Council consists of fourteen members, with the possibility of an additional six members being co-opted. Members include a chairman who, in common with two other members, is a direct nominee of the chancellor — that is, President Banda. Two other members are senior civil servants. The vice-chancellor is a member, along with a person nominated by him. Four members are nominated by the University Senate, the assembly of senior members responsible for academic life.

The vice-chancellor in turn is appointed by the Council. The present incumbent, Professor Brown Chimphamba, is the first Malawian to hold the post. All his predecessors were British. The collegiate structure of the university places considerable power in the hands of the college principals. The principal of Chancellor College for many years was Dr Z. D. Kadzamira, brother of the 'Official Hostess' and nephew of John Tembo. It would have been unrealistic to view Chancellor College as an independent institution when its head was so close to the centre of political power. It was hardly surprising that Chancellor College as a body raised no protest when one of its heads of department, Jack Mapanje, was detained without charge for four years. However, the crucial political power in the university lies with the chairman of the Council. For many years this post was held by John Tembo — minister of state in the president's office, uncle to the 'Official Hostess', chairman of many public and parastatal bodies, and the

effective day-to-day head of government. Recently, he was replaced by Louis Chimango, who is minister of finance and also a senior member of the Malawi Congress Party leadership. Academic staff who served under both Tembo and his predecessor John Msonthi comment that there was a decisive change when Tembo took over in 1972. Up to that point there had been little interference with academic life, despite the intense repression that already prevailed in the country at large. Tembo's arrival meant that the university became subject to the same reign of silence as the rest of Malawi. The most overt form of government interference with university autonomy has been in the imprisonment or expulsion of staff and students whom it has deemed to be critical of its policies. Some examples were cited in the previous section.

In the 1970s, many university administrators and academic staff from the Northern Region were purged and, in some cases, detained. They included John Banda, the university registrar; Peter Mwanza, principal of Chancellor College; Allan Mtegha, agricultural economist; Chifipa Gondwe, historian; James Chipasula, political scientist; Peter Chiona, educationist; and Mupa Shumba, head of drama. A number of those who were driven out in the early 1970s went on to distinguished careers in international organizations or academic institutions elsewhere, notably in Botswana, where the university has a large Malawian contingent. It has been a characteristic of Malawian academic life that many of the most creative and independent intellects have been unable to remain within the country.

In a number of instances staff members at the university or other institutions have been victimized for their presumed political sympathies or because they have objected to discrimination against others. An important recent case was that of Professor George Mtafu, a neurosurgeon at the country's only teaching hospital, the Queen Elizabeth in Blantyre. He was detained without charge for two years from 1989 because he had objected to the redeployment of teachers and other measures of discrimination against northerners.

An early example of such victimization was in 1972 when three Jehovah's Witnesses on the staff of the Bunda College of Agriculture had their houses burnt to the ground by members of the party youth wing. Two were killed and the third had his hands cut off. Shortly afterwards, MCP youth stopped a bus carrying the children of college staff and made them look at the bodies of dead Jehovah's

Witnesses. The principal of the college, Professor Ted Pinney from the United States, protested and was expelled from the country.

Another foreigner expelled from the country was Father Patrick O'Malley, an Irish priest who was formerly Roman Catholic chaplain to Chancellor College. On 8 March 1992 Father O'Malley was officiating at student Mass at Chancellor College, so it fell to him to read the bishops' highly critical pastoral letter to the congregation. The authorities inferred from this that Father O'Malley was involved in writing the letter and that he instigated subsequent student demonstrations in defence of the bishops. On Good Friday, 17 April 1992, Father O'Malley was served with a deportation order, along with Monsignor John Roche, a member of the same missionary order, who had been one of the authors of the pastoral letter. In November 1993, after a meeting between President Banda and the Roman Catholic bishops, Monsignor Roche's deportation order was rescinded. It seemed likely that Father O'Malley would also be readmitted to the country.

Much state interference in academic life is covert and difficult to pinpoint. Power is primarily exercised through a system of unwritten boundaries, with a well-paid network of informers to police them. Malawian academics know what they can and cannot say, what they can and cannot research; and, for the most part, they do not breach these hidden constraints. Malawian academics comment in private that the self-censorship imposed by the system is its most damaging effect, since it undermines intellectual honesty. Perhaps equally damaging is the almost universal lack of trust among colleagues, since one is never sure who is reporting back to the police, the party or the chairman of the University Council. In the 1993 edition of this report, we commented: 'There is no possibility of "academic freedom" in the university when freedom of thought and conscience is so manifestly absent in society as a whole'. Since then much of that absent freedom has been restored to Malawian society, although it is still unclear whether this represents a permanent change. Sadly it seems possible that the university may now lag behind society at large in its willingness to be outspoken and critical. This is because academics have become accustomed to self-censorship.

There are still no organizations in Malawi specifically dedicated to the defence of academic freedom. There are, however, Students' Representative Councils at each of the constituent colleges of the university, which are in turn affiliated to the Malawi University

Students' Union. In late 1993 there was discussion about the formation of a staff union at the university.

A significant development in 1993 was the emergence of a number of Malawian organizations for the defence of internationally recognized human rights, including academic freedom. At least one of these bodies, the Civil Liberties Committee, has members at the university. It seems likely that the development of human-rights activism — and also of campaigning by the new political parties — will help encourage the academic community towards greater independence and a break with the self-censorship of the recent past.

Notes

1. World Bank, *Sub-Saharan Africa: From Crisis to Sustainable Growth*, Washington D.C. 1989.
2. *Guardian*, 18 February 1987.
3. World Bank, *Sub-Saharan Africa*.
4. Christon Moyo, 'Education Policy and Development Strategy in Malawi', in Guy C.Z. Mhone, ed., *Malawi at the Crossroads: The Post-colonial Political Economy*, Harare 1992, p. 272.
5. *Ibid*., p. 277.
6. *Ibid*., p. 280.
7. *Ibid*., p. 274.
8. *The Truth Will Set You Free*, a statement by the bishops of Malawi, March 1992.
9. *Guardian*, 28 June 1993.
10. *The Truth Will Set You Free*.
11. *Malawi: A Country Study*, Federal Research Division, Library of Congress, Washington D.C. 1975, pp. 128-30.
12. Moyo, p. 285.
13. *Ibid*., p. 289.
14. Leroy Vail and Landeg White, 'Tribalism in the Political History of Malawi', in Leroy Vail, ed., *The Creation of Tribalism in Southern Africa*, London, Berkeley and Los Angeles 1989.
15. Moyo, p. 268.

16. Jack Mapanje, 'Censoring the African Poem', reprinted in *Index on Censorship*, 9/1989, p. 8.
17. Vail and White, p. 184.

4. South Africa

Teboho Moja and Nico Cloete

In the 1990 World University Service Academic Freedom report,[1] Vuyisile, Ntshona and Abrahams provide a succinct overview of South Africa's history, the political situation during the 1980s and Bantu education. With regard to universities, the report catalogues some of the violations of freedom, details the killing of students and staff, and allocates responsibility to the broad apartheid state. We will not cover the same ground here, but will focus more on higher education, and the debate about freedom and autonomy that emerged during the constitutional and education-policy debates between 1990 and 1993. Our discussion on higher education will focus on universities; not because academic freedom does not affect the colleges and technikons, but because most of the debates and contestations have occurred in the university sector.

Political, Socio-economic and Human Rights

In December 1989, President F.W. de Klerk met with Nelson Mandela in prison to discuss preconditions for negotiations; on 2 February 1990 he announced the unbanning of all political organizations. On 11 February 1990 the longest-serving and most famous political prisoner in the world was released. Five days later the African National Congress (ANC) agreed to start direct negotiations with the government to end apartheid.

There is considerable debate over what brought about the collapse of more than forty years of National Party rule. The most often quoted factors revolve around the continuous internal instability, which intensified after the 1976 Soweto school uprisings; the emergence during the 1980s of mass opposition movements[2] and an increasingly organized and militant labour movement;[3] international financial sanctions and an increasingly effective trade boycott that contributed to a steadily worsening economic situation. Complementing these factors was a gradual loss of support from key international political and business figures who had previously covertly supported the Nationalist government, and a growing international and internal crisis of legitimacy. This crisis reached

such proportions that after the assassination of a popular academic, David Webster, in May 1989, a campaign of mass defiance started in Johannesburg and spread nationally. The government, with the assistance of a state of emergency and well-organized security forces, were unable to stop hundreds of thousands of people of all races taking to the streets (and the beaches) in all the major cities and towns to protest against the injustices of apartheid.

The period between February 1990 and the first meeting of the Transitional Executive Council in December 1993, established to prepare for the first democratic election in the history of the country on 27 April 1994, proved much more traumatic than expected. The two main features of this period were, on the one hand, a cycle of progress and breakdowns in constitutional negotiations and, on the other, waves of violence.

After two years of tentative meetings between the government and the ANC, resulting in a number of 'minutes' of intent and the release of most political prisoners, the first formal constitutional negotiation forum was convened. The Congress for a Democratic South Africa (CODESA) met in December 1991, attended by a host of parties and groupings. CODESA collapsed, but was followed by a multi-party negotiating process (1 April 1993) that finally drafted the Constitution of the Republic of South Africa Bill, which was accepted by the South African parliament in December 1993. The new constitution makes provision for a National Assembly, a Senate, a President and two deputy presidents, a Constitutional Court, a Public Protector, a Human Rights Commission, a Commission on Gender Issues and Restitution of Land Rights, and nine provincial governments. The main constitutional contestations were about the powers of the regions (federalism versus centralism) and the Bill of Rights.

The Bill of Rights is comprehensive; it guarantees basic rights such as the right to life, equality before the law, the franchise, the right to own property and engage in economic activity, the right to education and a healthy environment, and the right of children to nutrition, health, security and social services. Freedoms include those of movement, expression, association, assembly and protection against discrimination, detention without trial, torture and forced labour.

The reform of apartheid involved protracted negotiations, during which time the economy continued to deteriorate. The government started with a two-pronged strategy for political

change: negotiation, and the weakening of their main political opponents through subsidized violence. This strategy was launched in July 1990 and thereafter continued in waves, often coinciding with negotiation events.[4] Simmering divisions in the economically deprived townships and fast-expanding squatter camps provided fertile conditions for 'forces of destabilisation'.[5] The Statement of the Human Rights Commission on International Human Rights Day (10 December 1993) declared that the repressive Internal Security Act was still in place, and that in 1993 a total of 713 people had been detained without trial, there had been thirty-six deaths in police custody, and political arrests had topped the five thousand mark. More than 5,251 incidents of political violence had been reported (up 28 per cent from 1992), with 4,047 deaths associated with political violence (16 per cent more than 1992).

Regarding the economy, income per capita has grown at about 1.3 per cent per year since 1965, which is well below the 2.3 per cent per year for middle-income economies worldwide. In addition, income distribution in South Africa is amongst the worst in the world. The poorest 30 per cent of the population receive about 3.5 per cent of total household income, whereas the wealthiest 6 per cent receive over 36 per cent. An official government report estimated in 1991 that 16 million people, or 45 per cent of the population, live below the subsistence level of R600 per month. In rural areas, approximately three-quarters of all households live below this level. In 1993 the official unemployment figure nationally was around 46 per cent.[6]

The complex connections between the political system, socio-economic conditions and human rights often reconfigure during political change. In South Africa, the unbanning of political opposition parties brought about a significant move towards a Western-type democracy in terms of political and human-rights systems, characterized often by wide consultation processes and the need for mandates, while violence increased and the socio-economic situation deteriorated.

The Education System

The racially divided education system consists of a fragmented formal sector with more than 10.5 million students. Approximately 1.5 million black children between the age of 6 and 17 are not in

school, and it is estimated that about 8.5 million black adults are illiterate and about 2 million youths lack the basic schooling needed to take advantage of training opportunities.

In 1992 the average expenditure on an African child was R1,659, as compared to the R4,372 spent on a white school pupil. This disparity is also reflected in the school-leaving figures. Only 7 per cent of African students who took matriculation obtained a university exemption, and only 28 per cent gained a school-leaving certificate (a total pass rate of 35 per cent). In contrast, 42 per cent of white matriculants recieved an exemption and 53 per cent a school-leaving certificate (a pass rate of 95 per cent).[7]

Higher education is regarded as a 'trinary' structure: there are 21 universities with about 320,000 students (62 per cent); 15 technikons with 120,000 students (24 per cent); 115 teacher and other training colleges with 70,000 students (14 per cent). In total there are 550,000 students and 17,000 academic staff. An unusual feature of this system is that the university sector is the biggest, rather than the college sector as in most countries.

Total education expenditure in 1990 was R22.6 billion (9 per cent of GDP), with direct government spending of R17.6 billion (78 per cent). The pre-primary sector received 0.8 per cent, the primary sector 39.3 per cent, secondary schooling 31.2 per cent, special education 3 per cent, technical and vocational 4 per cent, universities 10.5 per cent, and administration 8 per cent.[8] The higher-education sector is relatively well resourced with regards to buildings (plant), at least in comparison to other developing countries. There are also a number of high-quality research and teaching departments in a range of disciplines and institutions.

There are, however, a number of serious structural flaws in the higher-education system. The university sector is not a system, but is composed rather of ethnic/racial clusters consisting of five Afrikaans, four English, two distance and ten black institutions — each with different resources and traditions. Race permeates these institutions in terms of access (students and staff), control, power, mobility, provision of professional training, research and teaching capacity, and resources (financial and human). Only 5 per cent of African university students are enrolled at historically white residential universities (HWU). Conversely, the number of white students enrolled at historically black institutions is negligible. The two distance education institutions (University of South Africa and Vista University) and the five 'homeland' campuses account for 82

per cent of African student enrolment. Afrikaans campuses are still more than 95 per cent white and English campuses around 70 per cent. These divisions are mirrored in the technikon and college sectors. For whites, participation rates at universities are about 60 per cent (which compares well to North America); for Indians, 34 per cent (almost the same as Japan and France); whilst for 'Coloureds' and Africans the figure is just below 8 per cent, which is comparable to participation rates in many African countries.[9]

Another great discrepancy is apparent in both graduate and postgraduate qualifications: 89 per cent of those holding Bachelors degrees are white, as are 91 per cent of those with doctoral qualifications. This imbalance is duly reflected in faculty and administrative composition: 76 per cent of permanent academic posts and 69 per cent of administrative posts in higher-education institutions are held by whites.

Almost 50 per cent of undergraduates at universities are women. However, in postgraduate programmes, and in many of the prestigious professions, males far outnumber women. In the technikons only 29 per cent of the students are female, and the proportion is worse in the technical colleges. In universities more than 50 per cent of junior lecturers are women; however, 83 per cent of associate professors and 95 per cent of professors are men.[10]

The illegitimacy of the government affected higher-education governance structures, both at national and institutional levels. A system of dispersed control (8 departments control the 21 universities, 7 departments control the 15 technikons, and 14 departments control the 102 teacher-training colleges) resulted in fragmentation and the lack of a uniform system. Another de-legitimating factor is the domination by whites of higher decision-making levels (councils, senates and management). The operation of control along ethnic lines resulted in an irrational and hugely wasteful distribution and duplication of facilities, programmes and resources. The new government will face the arduous task of integrating all these departments into a single system with nine regions.

Another source of waste is the high failure rates among black students: the average pass rate at white universities is 78 per cent (73 per cent at technikons), as against 63 per cent at black universities (46 per cent at technikons). The absence of longitudinal information obscures the fact that, even at many white universities, the proportion of students who graduate without repeating a year

is below 50 per cent. One of the few longitudinal studies at a historically white university showed that only 8 per cent of a group of black students enrolled in the science faculty in 1986 had graduated by 1990; 64 per cent had either dropped out or had been excluded.[11]

The diffused system of control also resulted in a low degree of articulation between the different sectors. Students cannot enter at a lower level and work their way up an educational (career) ladder. This affects the disadvantaged the most. There is also poor integration between the higher-education system and the research and human resource requirements of a modern, developing economy. The disturbing increase in South Africa's high-technology trade deficit during the last decade (R8 billion in 1989) has had a direct and negative effect on the economy and an indirect, but adverse, effect on higher education.

There are also huge inequalities in the distribution of research resources. In terms of research grants, the total research support in the natural sciences for historically white universities in 1989-90 was R306 million; for the historically black institutions it was R23.6 million. In the human sciences the white universities attracted R124.8 million, compared to the R15 million of the black universities.[12]

Whilst most scientific, engineering and technology capacity is located in the white urban universities, these institutions have not made a systematic contribution to national development in science and technology. No serious attempt has been made to address the problem of mathematics and science education in schools, which prevents black students from gaining entry to these disciplines (from every thousand African students who enter school, only one matriculates with an exemption in mathematics and science).

Finally, higher education is beset by legitimacy problems. In general the historically white institutions (and a number of black institutions) possess little moral and political legitimacy. Contrastingly, the majority of black institutions (and a few white institutions) have little or no academic credibility. Overall, the 'system' is seen as one that perpetuates inequality, is hugely wasteful, and fails to serve the human-resource needs of the country. Higher education in South Africa fairly accurately reflects the society within which it is located. These problems render higher education very susceptible to demands for intervention to redress

inequalities, and to ensure greater relevance, accountability and democracy.

Academic Freedom, Autonomy and Accountability

Many reviews and reports about South Africa begin with the victory of the National Party in 1948, thereby giving the impression that racial discrimination and oppression were 'invented' by the Afrikaner nationalists. In fact, racial discrimination was well entrenched before 1948, but it was not a coherent, legalized and institutionalized social system. The implementation of the 'grand apartheid' plan for universities started a decade later with the Extension of University Education Act of 1959. This act, and the Fort Hare Transfer Act 64 of 1959 which placed the university under the control of the Department of Bantu Education, legislated separate universities for different racial and ethnic groups. The transfer of Fort Hare signalled the beginning of the decline of a once vibrant university where amongst others, Nelson Mandela, Oliver Tambo (both ANC presidents) and Robert Mugabe (president of Zimbabwe) studied. It should be remembered, however, that before 1948 Fort Hare had an almost totally black student body, a predominantly white staff, and both Mandela and Tambo were expelled for political activities.

The National Party, which was strongly influenced by a German model of universities and science, premissed its approach to higher education on ethnicity (the institutions should function in an ethnic setting and serve the interests of the particular group) and a lack of tolerance for different or unorthodox views.[13]

The important Van Wyk De Vries Commission into Higher Education (1968-74) provided the basis for considerable autonomy and freedom, so long as the university did not jeopardize this freedom by engaging in 'political ideology and public action that would bring it into conflict with society or the state'.[14] Regarding academic freedom, the Commission argued for freedom to teach and research and 'to be free from discriminatory treatment on grounds of sex or convictions or any other impermissible grounds'.[15] The silence about discrimination on grounds of race, in the South African context, was deafening.

The tension between the state controls required to implement differentiation, and the positive intentions spelt out in the

government commission, resulted in many contradictory practices. In certain areas many universities acquired a remarkable degree of autonomy and freedom, whilst in others, racist legislation and the use of state security institutions turned some universities into ideological and physical battlefields.

Academic freedom cannot be discussed without reference to autonomy and accountability; nor can academic freedom be used as a generic term for all three concepts. The three concepts are interlinked through a variety of mechanisms and agreements that connect institutions, state and civil society. To some extent freedom and autonomy can be seen as constituents of accountability. In turn, the way in which societies understand and practise accountability has a direct impact on freedom and autonomy. A graphic illustration would be a triangle, with either freedom or accountability at the top. Whilst acknowledging the practical inter-connectedness of the three concepts, an analytical separation allows for a more nuanced understanding. We will discuss each concept and its practical manifestations separately in order to gain greater clarity for each.

Academic freedom

There are many descriptions of academic freedom; the elements they have in common are the right of individual teachers and researchers to pursue knowledge, and to select their subjects for research and teaching without fear of persecution from any political, religious or social orthodoxy. Academic freedom also includes the right of students and staff not to be selected on grounds of race, belief and sexual orientation.[16]

Academic freedom must be located within the broader debate about rights. The ANC-in-exile stimulated a debate about rights by expressing support for a Bill of Rights in its Constitutional Guidelines for a Democratic South Africa (1988). The government responded by appointing a group of lawyers, the South African Law Commission (1989), who rejected the government's proposal for the projection of group rights, and opted instead for a bill of individual rights. With a large range of constituencies coming out in support of a Bill of Rights, the debate quickly shifted to which rights need to be protected.

The debate about rights usually distinguishes between (i) civil and political (first-generation) rights — these include freedom of speech and association, conscience and religion, equality before the

law and the right to vote; these rights are contained, amongst others, in the Universal Convenant of Human Rights (1948) and the African Charter of Human and Peoples' Rights (1984); (ii) economic, social and cultural (second-generation) rights – these include the right to work, just and favourable conditions of work, to form unions and professional associations, health care and the right to education; (iii) collective (third-generation) rights – these include self-determination, a livable environment and development. The 1986 United Nations Declaration on the Right to Development states that:

> The right to development is an inalienable human right by virtue of which every person and all peoples are entitled to participate in, contribute to and enjoy economic, cultural and political development in which all human rights and fundamental freedoms can be fully realised.[17]

Whilst the three generations of rights are interconnected and inseparable, some argue that there are also tensions and antagonisms between them. First-generation rights are emphasized in countries such as the United States and United Kingdom, second generation in the former socialist countries (USSR, Cuba), whilst many Third World nations promote third-generation rights.[18] Recent experience has shown that economic and development rights without civil and political rights undermine all three generations of rights; similarly, the inner-city black ghettoes of America show that the most revered Bill of Rights in the world does not protect large numbers of citizens against economic and social deprivation and dehumanization.

During the first four decades of Nationalist rule, the grossest and most consistent interference in higher education occurred in the area of academic freedom. In *Academic Freedom 1990*, Fernando *et al.* provide a 'record of violations' during the 1980s.[19] These included the occupation by army units of certain campuses, systematic destruction of student organizations, detention of students and staff, restrictions of access to campuses, censorship and restriction on reading materials, and ultimately the unresolved murders of students and staff activists. Whilst the freedom of all higher-education education institutions was violated, it was black students and the black campuses that bore the brunt of the oppression.

Partially because of the international sanctions campaign and also due to the discrimination against the black universities, a blanket academic boycott was called for by the ANC during the early 1980s. After negotiations between progressive academics inside South Africa, a selective-support boycott, with an exemption for academics who belonged to an organization that denounced apartheid, was implemented fairly successfully from 1988.

After 1990 the picture changed dramatically, although some of the so-called 'homelands' continued the practices of the 'old South Africa'. Detention of staff and students came to an abrupt end, books and materials previously banned or restricted to locked cupboards in special sections of libraries became freely available, telephone tapping and the activities of informers became less noticeable, police only came onto campus upon invitation by the university managements, and the systematic harassment of student organizations stopped. Another freedom was restored when the 'selective support' academic boycott was ended after the ANC lifted 'person to person' sanctions in 1992.

Of the so-called 'homelands', the University of Bophuthatswana (Unibo) has been an example of the 'tradition' of oppression, from days after the release of Nelson Mandela right up to the end of 1993. An academic from Unibo wrote in the March 1993 edition of *Udusa News* that, 'living in Bophuthatswana you wouldn't think that you had entered the 1990s. Despite the changes announced by de Klerk on February 2, Bophuthatswana went ahead with the "deportation" of Jon Lewis, President of the Staff Association a mere 12 days later' (p. 8). The May 1993 edition of *Udusa News* reports that, 'on April 27, heavily armed Bophuthatswana security forces stormed the Unibo campus without warning, firing teargas and indiscriminately harassing and assaulting students and staff alike' (p. 1). These actions followed the detention of student leaders the preceding weekend under the Internal Security Act. The students had been demanding the right to form student representative councils, freedom of speech and association, the reversal of the deportations of academics from the homeland and an end to repression there.

The University of Bophuthatswana Consolidation Act 1993, rushed through parliament during the crisis, gave the minister of education the power to change the conditions of staff at the university at will, to implement disciplinary proceedings against staff, and to close the university at his discretion.[20] In an

unprecedented move, even the Committee of University Principals, which has a long-standing policy of non-interference in the internal affairs of universities, issued a statement condemning events at Unibo and the threat they constituted to academic freedom and autonomy.[21] Another unprecedented event was the 'Assembly in Exile' that Unibo staff and students held at the University of the Witwatersrand (Wits) on 30 July 1993. Less than a month later the university itself invited the police onto campus to deal with protesting students.

Violations of academic freedom at technikons and colleges are not well publicized, except in the case of Setlogelo Technikon in Bophuthatswana, which was closed for most of 1993 due to political tension.

The difference between the conflicts at Unibo and Wits (as fairly representative examples of, respectively, homeland and white liberal institutions) is that at Unibo the protest is still mainly against the homeland government and the puppet management of the university. At Wits attention has turned away from protesting against the state and is now directed to the institution itself, which, despite its track record of opposition to apartheid, is perceived as a remnant of that system. The track record is one of intermittent public opposition followed by periods of compliance. A major problem for the self-image of the white liberal institutions is the contradiction between opposing apartheid while simultaneously being part of it. How much they are still part of it is most dramatically reflected in their staff and control structures.

Student action at other South African universities and colleges indicates that, with apartheid being removed from the statute books, attention will increasingly shift to its institutional vestiges. Presently the main issues of contention are the lack of adequate financial support for students, high failure rates at predominantly white institutions, and the unrepresentative governance structures of the institutions (white male-dominated councils and senates). When these grievances were coupled to the poor conflict-resolution skills of many of the managements of these institutions, then the campus scenes at a number of South African universities during 1992 and 1993 were very reminiscent of the pre-1990 days.

The continued repression at Unibo raises two issues. First, it shows that it is not a simple matter of a 'bad state' bullying a 'good university'. The management structure of Unibo has consistently been implicated in cooperating and even instigating government

action against students and staff, particularly those involved in organizations.[22] The problem seems to start when the head of state is involved in the appointment of the chancellor and the majority of council members, who then in turn appoint a vice-chancellor. The vice-chancellor readily draws a group of supporters from senior academics and administrators which becomes beholden to him (seldom a her) and, by implication, indirectly to the government. Not only is this very divisive within the institution, but when conflict develops, this group requires state assistance for survival. Being perceived as part of the state structure allows opposition groups to combine dissatisfaction with institutional practices with dissatisfaction with the state. This results in a much more powerful coalition to mobilize for action.

Second, the homeland of Bophuthatswana has a fairly enlightened Bill of Rights, but it did not deter a repressive government from violating human rights in virtually every sphere of the life of its citizens. A Bill of Rights without a strong and independent judiciary becomes little more than a statement of intent. A major gain of the constitutional negotiations in South Africa has been the inclusion of fundamental rights in Chapter 2 of the Constitution of the Republic of South Africa Bill. All three 'generations of rights' are covered: citizenship, association, equality, religion, expression, political, economic activity, labour relations, property, environment and education. Regarding education, it states that every person shall have the right to: (i) basic education and equal access to educational institutions; (ii) instruction in the language of his or her choice where this is reasonably practicable; (iii) establish, where practicable, educational institutions based on a common culture, language or religion, provided that there shall be no discrimination on the grounds of race.

The Union of Democratic University Staff Associations (UDUSA)[23] submitted to the ANC constitutional team a proposal that academic freedom be specifically mentioned in the constitution, and the following was duly included in the Constitution Bill in the section dealing with religion, belief and opinion: 'Every person shall have the right to freedom of conscience, religion, thought, belief and opinion, which shall include academic freedom in institutions of higher education' (p. 10).

The new constitution provides for an eleven-member Constitutional Court comprised of sitting judges, lawyers and academics, the powers of which will include jurisdiction over

violations of the rights specified in the constitution. Only the future will show how this very general statement about academic freedom will be practised, protected and contested.

Another right was gained during 1993, when UDUSA, initially with the support of the Congress of South African Trade Unions, and in the end also the Committees of University and Technikon Principals, managed to get academics included under the protection of the Labour Relations Act.[24] This act provides the right to organize within a framework for collective bargaining and gives access to the Industrial Court, which deals with unfair labour practices and discrimination.

For the first time in the history of the country, individual rights are clearly spelt out in the new Bill of Rights and the new constitution. However, as both are silent on collective rights and the implications for institutions, a contestation around the issue of autonomy has already started.

During the first few month after the election the new government has announced the establishment of a national commission into higher education that will address, amongst others, academic freedom and autonomy. Numerous student protests about the slow pace of institutional transformation has resulted in the ministry establishing a crisis committee outside of the ministry to advise the minister and institutions on how to resolve the crises. Vista University charged one of its staff members with bringing the institution into disrepute by publishing a critical letter in the press. If the charges are not withdrawn, this will become the first test case for the newly established Consitutional Court on freedom of expression.

Academic autonomy

'Autonomy is a concept which is frequently used in the context of higher education, but which is not often defined.'[25] Simply put, autonomy means the power to govern without outside controls. A distinction needs to be made between 'substantive' and 'procedural' autonomy. Substantive autonomy is the power of an institution to determine its own goals and programmes. Procedural autonomy is the power to determine the means by which goals and programmes will be pursued. Eric Ashby[26] declared the following as generally accepted 'essential ingredients' of autonomy: the freedom to select and examine students; the freedom to select and retain staff; the

freedom to determine curriculum and standards; the freedom to allocate funds within institutions. A 1991 publication of the national Foundation for Research Development makes the bold claim 'that in terms of the four principal criteria according to which autonomy is determined . . . South African universities possess all four freedoms'.[27] The freedoms referred to are those listed by Eric Ashby above. This statement is a fairly typical reflection of the ambiguous and inexact way in which the terms 'autonomy' and 'freedom' are bandied about in South Africa.

We will examine autonomy in terms of the four criteria posited by Ashby. With regards to the independence to select and examine students, South Africa was probably the only country in the world during the 1960s and 1970s where race still legally determined admission. During the late 1970s, in an accommodation to the homelands and big business, the state started making concessions for black students wanting to study in the professions, mainly engineering. When the system of 'ministerial approval' proved impossible to administer, the government proposed a Quota Bill (1983) that would allow the state to set a quota of black admissions for each university, but within which they were free to select whomever they wished. Concerted opposition by the white liberal universities resulted in the government distancing itself from the bill, although it remained on the statute books. Since then universities have had considerable discretion over admissions, not least because the matriculation certification council which sets minimum criteria is very much under their control.[28]

The lifting of legal barriers did not result in equal access for black students. Most black students come from poor homes and disadvantaged schools, which means that there is no equality of opportunity. A major debate, and one that will dominate the coming decade, is that around affirmative action and targets or quotas for disadvantaged students. The new constitution recognizes this and cautiously states that 'this section shall not preclude measures designed to achieve the adequate protection and advancement of persons or groups or categories of persons disadvantaged by unfair discrimination' (p. 10). The constitution also makes provision for the establishment of a permanent Commission on Gender Equality. How these constitutional intentions will interact with institutional autonomy is a matter for the near future.

South African universities have complete control over the appointment procedure for staff. In the past the state often

withdrew or refused work permits for its non-South African opponents. The new government will still have these powers, but with the scrapping of the homeland system the 'deportation' of staff from these universities will cease. The universities have so much autonomy regarding staff that the University of Stellenbosch went so far as to believe that it could terminate the services of two workers without a hearing. In the Cape Supreme Court (1993) the university argued that it was 'not a public authority' and therefore did not need to observe the procedures that apply to public bodies. The judges, however, thought that this was taking autonomy to unacceptable lengths and ruled that 'since the university received public funds, and was established by law, the employment contracts of the two staff were at least partially covered by statute', and ruled that the university had acted illegally.[29]

The inclusion of higher-education staff under the Labour Relations Act will hopefully persuade managements not to believe that they are so autonomous that they are above the law and standard international practices. Two currently contentious staff issues are affirmative action, or Africanization, and the employment of non-South African academics, who could be seen as keeping black South Africans out of positions in higher education.

Whilst minimal government approval is needed for establishing new courses (the minister is assisted by the Advisory Committee for Universities and Technikons), academics have full control over curricula and examinations, using a system of external examiners as the quality control. In the past, autonomy was substantially curbed by long lists of banned books and journals. Academics could compile any curriculum they wanted to — so long as it did not include certain banned reading materials. With the relaxation of censorship, particularly on Marxist and liberation literature, the new areas of contention are around what constitutes a relevant curriculum, the Eurocentricity of current curricula, and how to establish a national system of accreditation. At present many courses at black universities are not recognized or given full credit at (particularly) the white liberal universities. Individual institutional autonomy will have to make certain accommodations in order to establish a more coordinated national system.

South African universities are funded according to a formula called SAPSE. This system allocates funds according to a combination of enrolments and productivity. In practise, the government has never funded strictly according to the formula,

mainly because it did not have enough funds. Whilst this system curbed the freedom of the government to pump money into the Afrikaans universities, it did allow the department to penalize institutions which grew too fast — mainly the black universities. The government does not interfere in the way in which institutions allocate and spend the money allocated.

Initially the historically black universities were not controlled directly by the government department under whose jurisdiction they fell, but rather indirectly through governement-approved management. The students often saw the principals and registars as representatives or 'lackeys' of Pretoria. Later, when black principals were appointed, power often remained in the white hands of vice-principals or registars. This is a legacy that many of the newly appointed progressive black principals are still struggling to overcome.

From an outsider's perspective, the Afrikaans universities could be characterized as being very close to possessing total academic autonomy. However, considering how close many of their senior staff were to the government, it is doubtful whether they were as autonomous as they appeared. A recent example is the controversy over the granting of an honorary doctorate to Margaret Thatcher in 1992, allegedly on direct instruction from Minister Viljoen, a previous principal.

Apart from the restrictions on literature, and the harassment and detention of individual students and staff, the English liberal universities probably enjoyed as much autonomy as any government-funded institution anywhere in the world. Disregarding the occasional violation of civil liberties, these institutions must be very close to what Neave and Van Vught (1991) dream about — Prometheus Unchained.[30] On an institutional level, the National Party unchained Prometheus during the 1980s and neglected accountability, but it viciously chained individuals when it regarded them as its political enemies.

Autonomy and freedom cannot be disconnected from demonstrated responsibility. The increased autonomy of all the universities over their internal operations was not accompanied by a concomitant increase in internal or external accountabitity. This has led to the perception that universities are, like the previous government, not accountable to the majority.

Accountability

Accountability usually means the 'requirement to demonstrate responsible actions to one or more external constituencies'.[31] This definition is very narrow because it only refers to external constituencies and does not deal with accountability to groups inside the institutions or to the canons of the disciplines. Clark Kerr refers to a triangle of authority for higher-education institutions: state, market and academic.[32] The market is too narrow, because it is only one constituency in civil society. For the purpose of this review we will focus on external accountability, that is, to state and civil society.

With regards to the internal allocation of funds, South African universities have carte blanche. It is a statutory responsibility of the government 'to ensure that the application of those resources which come from public funds is accounted for'.[33] As far as is publicly known, the government has not once exposed or acted against corruption, not to mention financial mismanagement, at the universities. In contrast, students and staff have exposed corruption at a number of universities: Transkei, Venda and Turfloop. It is questionable as to whether this form of ineptness and neglect should be labelled 'autonomy' or whether it was just part of the malaise of corruption and financial unaccountability that was a trademark of the National Party.

The historically black universities had little or no formal, or indeed informal, accountability. Their external constituencies were seldom groups to whom the majority of staff or students felt much responsibility, and the incompetent government bureaucracy seldom demanded 'responsible actions' concerning finances and academic standards. The government's main concern was whether political opposition was kept within tolerable limits. When it was perceived as a threat to the government, F.W. de Klerk, as minister of education, tried to pass an act in parliament (1987) which would have linked the funding of universities to their ability to control student activism. When the Universities of Western Cape and Cape Town won a Supreme Court ruling against the government, the extension of the state of emergency helped curb student protest.

Accountability to the black community, but not the market, appeared on the horizon during 1992 when Fort Hare, Venda and Turfloop appointed new councils and chancellors. As chancellors, Fort Hare appointed the late Oliver Tambo; the University of Venda, Walter Sisulu; and Turfloop, Nelson Mandela. Whilst the

appointment of these high-profile politicians was symbolically important to the process of restoring legitimacy to these institutions, experience elsewhere in the world would question its long-term wisdom.

The liberal universities are more in line with international practices in terms of standards and the quality of product demanded by their civil society constituencies — big business and the professions. Not only is performance reviewed in business-dominated councils, but businessmen also serve on a number of selection committees for important chairs and even on committees to review the exclusion of students. The same level of accountability certainly does not pertain to the trade unions and the majority of black communities within which they are located.

The Afrikaans universities have strong connections to the civil service, where many of their products are employed, and to the professions. With regard to the civil service formal accountability is to Afrikaner-dominated councils: Additional, informal networks of accountability operate in numerous consultancies for government and social networks, and cultural organizations such as the Akademie vir Kuns and Wetenskap and the Broederbond.[34]

The common element between all three types of institutions is that none have demonstrated relevance and responsibility to the majority of the population. Demands for greater accountability have taken the form of increased access, change of governance structures, and transparency. These demands are remarkably similar to those contested in the larger political arena.

New Contestations in the New South Africa

The 'new' South Africa will generate different struggles around higher education. The first ever democratic government must redress past inequalities for a wide range of constituencies who will demand greater expenditure on (among other areas), housing, health, adult and primary education. At the same time, there will be an increased demand for access to higher education; for a reallocation of funds from the better endowed white universities to the historically black universities; affirmative action for blacks and women; and active participation in the Reconstruction and Development Programme.[35]

With the inclusion of academic freedom in the new constitution, and the abolition of censorship on literature and

academic materials, it is not difficult to predict that the main contestations will be in the areas of autonomy and accountability. The first shots were fired during December 1993 when Witwatersrand, Orange Free State and Rhodes Universities (all predominantly white) issued a statement condemning a clause in the new constitution which would enable national or provincial governments to alter the rights, powers and functions of the controlling bodies of universities if they cannot reach agreement after consultation. Wits, in what could be regarded as an overreaction, declared that: 'this clause is a grave threat to the freedom of the universities to teach and learn without State intervention.'[36]

It is tempting to speculate that we are witnessing the start of what Mamdani described as a destructive conflict between expatriates and locals in which both contributed to the undermining of universities in Africa.[37] According to Mamdani, the expatriates called for freedom and autonomy, standards and centres of excellence, while the locals demanded that the state give the universities a national character, ensure Africanization and the training of human resources for development. The expatriates 'lost the battle because their notion of rights was so exclusive that it ran counter to any notions of justice for those who had been historically excluded on racial and national grounds. We were right to see that banner of rights as no more than a fig leaf defending racial privilege, at best an expression of crass professionalism.'[38] He charges that the locals were also short-sighted in confusing the long-term interests of the university with the interests of the immediate occupants, and not seeing that rights are also a vehicle for defending majority interests.

We are already witnessing many of the ingredients that Mamdani describes. The interesting question in South Africa is whether race will divide the higher-education community in the same way as it did in the rest of Africa. Superficially, the controversy stirred by Wits would seem to confirm this. The fear of the white universities is partly based on the bad experience of the intrusive Nationalist government, and the universities' realization that they are vulnerable to a new majority government because they have not demonstrated their relevance and responsibility to the majority.

Not one of the historically black universities came out in support of the Wits declaration; and two prominent black academics

published articles defending the constitutional change.[39] However, South Africa has never been a simple black-white dichotomy. The new Afrikaans principal of the University of South Africa was part of the government's constitutional team that had drafted the clause objected to by Wits. A number of both Afrikaans and English universities also did not come out with public support for Wits.

The divide may be more to do with an emphasis on rights than racial. Those who focus on individual civil and political rights will privilege individual freedom and autonomy, whilst those with a strong sentiment for second- and third-generation rights will demand an accountability that circumscribes autonomy and freedom in favour of collective interests — that is, greater accountability and more relevance to the society. Apartheid always tried to homogenize differences; and to some extent we reflect that reality in the way we describe the different categories of institutions. Since 1990, new fissures have become manifest. For example, the divisions over types of rights will not only bring about divisions between institutions, but also within them. Certain faculties and departments will demand a greater stress on development, while others may want to remain more isolated. There will also be major contestations about whether restructuring should be left entirely to the institutions or whether a new representative government should participate actively in the process. A newly created National Commission on Higher Education will serve as a fresh site for further contestations.

The manner in which the different rights, with their corollaries of accountability, freedom and autonomy, are mediated will be crucial to the role and survival of higher education in the 'new' South Africa.

Notes

1. L. Fernando, N. Hartley, M. Nowak and T. Swinehart, *Academic Freedom 1990: A Human Rights Report*, Zed Books, London 1990.
2. United Democratic Front (UDF), Mass Democratic Movement (MDM), South African Youth Congress (SAYCO) and the National Education Coordinating Committee (NECC). The latter has affiliates from university staff associations such as the Union of Democratic University Staff Associations (UDUSA),

the South African Students Congress (SASCO), the South African Democratic Teachers Union (SADTU), and the school childrens' Congress of South African Students (COSAS).

3. Congress of South African Trade Unions (COSATU) and National Congress of Trade Unions (NACTU).
4. D. Everett and S. Sadek, *The Reef Violence: Tribal War or Total Strategy*, Human Rights Commission, Johannesburg 1992.
5. Human Rights Commission, *Human Rights Review*, South Africa 1992.
6. UDUSA Policy Forum, *Framework Document and Proposals for Post-Secondary Education*, Johannesburg 1993.
7. Edusource Educational Statistics, January 1994.
8. National Education Policy Investigation (NEPI), *Post-Secondary Report*, Oxford University Press, Cape Town 1992.
9. UDUSA Policy Forum, 1992, pp. 12-16.
10. UDUSA Policy Forum, 1993, p. 13.
11. NEPI, *Post-secondary Report*, 1992.
12. International Development Research Centre, *Towards a Science and Technology Policy for a Democratic South Africa*, Canada 1993.
13. J. Dugard, 'University Autonomy, Academic Freedom and Development', paper presented to the International Conference of Academic Freedom, World University Service and University of Fort Hare, 1993.
14. Van Wyk De Vries, *Main Report of Commission of Enquiry into Universities*, Department of National Education, 1974, pp. 78-9.
15. Ibid., p. 75.
16. F. Van Vught, 'Autonomy and Accountability in Government/University Relationships', World Bank Policy Seminar, 1991; and E. Shils, *'Academic Freedom' in International Higher Education: An Encyclopedia*, Kuala Lumpur, Malaysia, 1991.
17. Dugard, pp. 4-7.
18. *Ibid*.
19. Fernando, *et al*., pp. 125-49.
20. UDUSA National Office, Fact Sheet on UNIBO Events, Johannesburg, 4 June 1993.

21. Committee of University Principals Media Release, Pretoria, August 1993.
22. UDUSA National Office, Fact Sheet on UNIBO Events.
23. The Union of Democratic University Staff Associations was formed in 1987 as an anti-apartheid organization. It now has branches at ten universities, and six thousand members.
24. *Udusa News*, Johannesburg, September 1993.
25. Van Vught, p. 43.
26. E. Ashby, 'Human Right or Fringe Benefit?', *Times Higher Education Supplement*, 9, 13.
27. Foundation for Research Development, *Science Policy in South Africa: Government Funding of Academic and Related Research*, Government printer, Pretoria 1991.
28. N. Cloete, 'The Political Economy of Admissions at Wits', unpublished paper, CCU, University of Witwatersrand, 1990.
29. UDUSA National Office, *News Update*, Johannesburg, November 1993.
30. G. Neave and F. Van Vught, *Prometheus Bound; The Changing Relationship between Government and Higher Education in Western Europe*, Oxford 1991.
31. Van Vught, p. 44.
32. B. Clarke, *The Higher Education System*, California 1983.
33. Department of National Education, *An Investigation of Government Financing of Universities*, Pretoria 1984, p. 110.
34. The Akademie is an academy for distinguished Afrikaans academics, while the Broederbond is a secretive think-tank that formulated many National Party policy initiatives.
35. The Reconstruction and Development Programme is a joint COSATU/ANC set of policy proposals to redress inequality and stimulate economic development.
36. B. Charlton, 'Statement on the Independence of the Universities', University of Witwatersrand, 3 December 1993.
37. M. Mamdani, 'University Crisis and University Reform: A Reflection on the African Experience', Academic Freedom Lecture, Rhodes University, May 1993.
38. *Ibid.*, p. 4.

39. Khader Asmal from the University of the Western Cape, in *The Star*, 14 December 1993; and Blade Nzimande from the University of Natal, in *The Natal Mercury*, 22 December 1993.

5. Sudan

Abdelhadi Al-Zubeir Hamad

Social and Political Background

Sudan, the largest African state, is a country of 25 million inhabitants, divided politically by a long-standing struggle between the primarily Arab-Islamic north and the Christian and animist south. For the greater part of Sudan's post-independence period, the north has exercised total control over the seat of government and completely dominated the south both politically and economically. Over time, the uneven distribution of power led to a marked deterioration in the social and economic condition of the southern Sudanese. This deterioration, coupled with the racial segregation and political marginalization of the southern Sudanese, resulted in the emergence of southern liberation movements whose repeated violent confrontations with government forces eventually escalated into one of the most destructive civil wars the African continent has ever suffered.

The latest military coup in this drawn-out struggle for power was carried out in 1989 by the National Islamic Front (NIF), and resulted in the formation of a fifteen-member Revolution Command Council for National Salvation (RCC) and the implementation of the NIF social and economic programme.[1] Today, the NIF remains the dominant political power and exercises near total control of the state apparatus, the education system, the legal system, the economy and the media. No professional associations or trade unions, apart from those controlled by the NIF, are allowed to function. In October 1993 the Revolution Command Council for National Salvation dissolved itself and appointed the RCC chairman, General Omar Al-Bashir, president of the republic of Sudan. The new move turned the military rule into a self-styled authoritarian civilian government and cemented the NIF grip over the political system.

As could be expected, Sudan's human-rights record is abysmal. Since the military coup of June 1989 the country has experienced the most brutal repression of its post-independence period. Sudan's political, economic and legal transactions are now governed by an iron-handed NIF interpretation of Islamic Law (Shari'a). Among other stipulations, the latter advocates three practices that blatantly

contradict international human-rights norms: namely, religious intolerance, ethnic and gender discrimination, and inhuman and degrading punishment such as flogging, amputation, cruxifiction, and death by stoning.[2] Moreover, nearly five years after the military coup Sudan still has no offical constitution and a state of emergency remains imposed. Constitutional decrees, issued by the now-defunct Revolution Command Council for National Salvation immediately after the military takeover, abrogate all rights and freedoms guaranteed by the suspended 1985 transitional constitution. The right to freedom of expression, association, assembly and political participation is banned in Sudan, and only NIF-sponsored associations are allowed to operate. Any political opposition to the regime of the National Salvation Revolution (NSR), including labour strikes, is entirely forbidden.

In line with the NIF's denial of the most fundamental civil liberties, all mass media publications, democratically elected trade unions, political parties and non-religious organizations have been banned. Newspapers and political parties have had their properties confiscated and their publishers and editors detained.[3] Since 1989, an estimated 50,000 civil servants and professionals, including academics, teachers, and journalists, have been dismissed from their jobs for political and ideological reasons. More than 300, out of a total of 600 judges have been dismissed and replaced by NIF stalwarts. Of great concern is the routine torture and ill treatment of political activists that takes place in detention centres known as 'ghost houses'. In 1992, Amnesty International confirmed the existence and physical abuse of more than a hundred political detainees.

In response to Sudan's chronic abuse of human rights and its failure to comply with relevant human-rights instruments, in 1993 the UN appointed a Special Rapporteur to monitor the human-rights situation in Sudan. The latest UN action against Sudan was a resolution passed by over a hundred votes in December 1993 expressing deep concern at the continuing and serious human-rights violations in Sudan, including torture, summary executions, detention without due process, and forced displacement of persons.[4] The resolution was passed by the UN General Assembly's Third Committee in its 48th session. The resolution also accused Sudan of obstructing the efforts of the Special Rapporteur and called upon the government to explain fully the ill-treatment afforded those who contacted or attempted to contact him. Twenty-five

people, mostly women, were reported to have been arrested and ill-treated by the Sudanese security forces as they were waiting to meet the Special Rapporteur outside the UN Office in Khartoum. Among those detained was a southern Sudanese student who was protesting against the closure of the displaced people's schools in Khartoum.

The Education System

Modern education is a relatively recent phenomenon in Sudan and can be traced to the turn of the century, when the British condominium rule initiated a rudimentary educational system. Up to the end of the nineteenth century, education was non-formal, privately financed and mainly of an Islamic nature. The main educational institution was the *khalwa*, a Sufi Islamic centre of rote learning,[5] primarily confined to Northern Sudan. Since the establishment of the NSR regime, the *khalwa* has been used as an ideological instrument of the state, and consequently has become a more prevalent institution both in the North and South of Sudan.

Prior to the advent of the NIF, Sudan's educational system was consistent with internationally recognized principles. Some of the most important general objectives were: the integrated development of the individual; achievement of economic growth; consolidation of national and regional affiliations; and participation in global and mutual understanding.[6] These principles, however, are now destined to be eroded by the new religiously orientated educational policy outlined in the 1992 General Education Act. The Act stipulates that the Arabic language and Islamic education are compulsory, and that these subjects will be taught at all levels and institutions of general education, including at southern Sudanese schools, the majority of which have traditionally used vernacular languages with English as the medium of instruction. Furthermore, the new educational system requires among other things: that children be equipped with Islamic religious awareness, values and morals; the development of an Islamically oriented personality; the strengthening and development of Islamic social values; and the development of an awareness about Sudan's Islamic heritage.[7] In line with this new 'National Curriculum', primary-school pupils must memorize a third of the Quran by the time they leave school. Given the mental effort and time needed for memorizing

complicated Quranic verses, students have little time to study for other subjects.

The General Education Act stipulates that general education in Sudan is to be divided into formal education provided by primary and secondary schools, and non-formal education provided by kindergartens, *khalwas*, vocational and youth training centres, agricultural and nutrition centres, and special education. Primary education is designated as the basic level of education to which every citizen has a right. After completing an intermediate level of education designated for students between the ages of 13 and 15, Sudanese students can choose to pursue secondary studies of either an academic or a technical nature. It is important to note, however, that technical education in Sudan is socially stereotyped as academically inferior — an attitude which deters thousands of students from pursuing vocational training. Moreover, the technical secondary schools which should constitute the corner stone of the educational policy of a less developed country like Sudan, are grossly inadequate both in their number and the quality of training they provide.

The first national university was established in Khartoum in 1956. However, in 1989 Sudan still only had a tertiary education enrolment ratio of 2.9. About 15,000 students were distributed among Sudan's four national universities and ten higher-education colleges and institutions. The Egyptian Khartoum Branch of Cairo University had a student population of more than 30,000, double the combined intake of national universities and other tertiary education colleges; and more than 21,000 students were pursuing their higher education abroad. Thus the total number of Sudanese students enrolled in the Khartoum Branch of Cairo University and abroad represented more than three-quarters of Sudan's total national tertiary education population in 1987. In addition, of some 15,000 students in universities and tertiary-education colleges and institutions, only 4,026 were women, according to the 1984-85 Sudan Ministry of Education statistics. Finally, as a result of widespread institutionalized discrimination, non-Moslem students originating from southern and western Sudan usually have a poorer enrolment ratio in higher education, and represent only a fraction of the total number of national students.[8]

Apart from the government-funded public universities and higher-education colleges and institutions, Sudan has a number of private (*ahliyah*) universities and colleges. Most prominent among

these are Ahfad University for women, which in 1985 had 541 students, and Omdurman Ahliyah University, established in the mid-1980s, which has the largest ratio of female students compared with other Sudanese universities and institutions of higher education. Ahfad University is the only single-sex women's university in Sudan, a country where the female population is bedevilled by strict Islamic traditions and regarded as a 'second class' citizenry. Omdurman Ahliyah University — located in Omdurman, across the White Nile from Khartoum — was established by the late Khartoum university professor and human-rights campaigner Mohamed Omar Bashir, who also founded the Sudan Human Rights Organization. Sudan's private universities, normally run by a board of trustees, are viewed by the ruling National Salvation Revolution (NSR) and the National Islamic Front as bastions of liberalism and secular education. Both the NSR and NIF are now deeply concerned about the prominent status of women in both these institutions.

Since 1989, higher education has been the subject of comprehensive restructuring and transformation along the principle of Islamic *ta'seel* (indigenization) and the 'education revolution' programme. Among the major providers of institutional Islamic education are the University of the Holy Quran and the University of Islamic Sciences, both of which assume the role of official think-tanks in charge of providing Islamic jurisprudential and philosophical theorization for the NSR Islamic and Jihadist da'wah (Call to Islam) campaign. The sheer scale of the programmes conducted by those organizations is evident in the huge financial resources at their disposal, which exceed the combined budgets of general and tertiary education — both of which suffer chronic budgetary deficits.

Since 1989, the NSR government has established seventeen new universities, and in doing so has disregarded earlier studies on ways of improving the provision of higher education conducted by UNESCO and ILO. In 1987, a joint UNESCO and International Institute for Education Planning Study found that higher-education expenditure amounted to one-third of the total budget allocated to education, and duly recommended that priority be given to lower levels of education.[9] Public expenditure on education is 4 per cent of gross national product. The already meagre resources should have been diverted to boost enrolment in primary education, especially in the marginalized areas of southern and western Sudan.

However, such an option would be a bitter pill to swallow for a government whose policy is based fundamentally on religious discrimination, and who is bent on using the education system as a vehicle for advancing its Islamization campaign in southern Sudan. The UNESCO/IIEP study also criticized a presidential decree of 1982 which stated that the establishment of a university in each region was a waste of resources, and called for rigorous economic feasibility studies before setting up higher-education institutions, and recommended that any expansion in tertiary education should start 'with small colleges and grow gradually to incorporate more in the future' according to priorities and availability of resources.[10] In contrast, the impromptu NSR educational policy has resulted in the virtual abolition of college education in favour of new universities, most of which lack the facilities of even the most modest secondary school.

The Right to Education: Limitations and Violations

Primary education is not compulsory in Sudan; nor is there any real prospect of achieving a basic education for all by the year 1994 as the NSR government proposes. This is due to a lack of technical and financial resources, the unprecedented scale of politicization of the education system, and the imposition of a religiously oriented curriculum at the expense of development-oriented subjects.

The average rate of dropout and repeat in Sudan is almost 13 per cent. This ratio increases in the higher grades, and reaches 22 per cent among females in the Blue Nile province. The general enrolment ratio in primary schools in southern Sudan is now only 20 per cent. The situation in the Red Sea province and around Sudan's second largest city, Port Sudan, is no better. Climatic conditions, demographic structure, the nature of the terrain, and social deprivation are other factors that negatively influence the provision of education in the area. Nevertheless, adverse government educational policies regarding these regions remain the primary reason behind the deficiency in educational resources and the dramatic and continuing deterioration of basic educational facilities.

Official Sudanese press reports on the situation of education in Equatoria and the Red Sea area reveal both the scale and the depth of the crisis. In Equatoria State, the first-level educational system is

on the verge of complete collapse. After ten years of civil war in the southern region there are currently only 74 primary schools compared to 387 in 1985. The number of intermediate-stage general secondary schools has also fallen, down from 71 in 1983-84 to 22 in 1992. The number of higher secondary schools decreased from 21 to 16 over the same period. This dramatic deterioration of the educational system in southern Sudan is almost universal. In the regional capital of Juba almost all the schools are out of commission, and in those remaining, pupils receive lessons while sitting on the floor, a feature not uncommon throughout the entire country. Even in the capital Khartoum an estimated 50,000 pupils were believed to have been sitting on the floor for classes in 1992.

In the Red Sea province a cocktail of problems is curtailing the provision of education in the seaport city of Port Sudan. These include the closing of dozens of schools, crumbling boarding houses, shortage of educational and teaching material, severe deficit in educational budgets, and the appalling living conditions of schoolteachers. In the rural areas of the Red Sea province, particularly in the settled agricultural areas around the towns, primary education is relatively better than in the pastoral nomadic areas where, due to the mobility of the population, provision of education is almost impossible. In these areas, to borrow the words of Port Sudan's director of primary education, Sid Ahmad al-Kanzi, 'people are more concerned with the welfare of their animals than the education of their children.'[11] Animals are, after all, their sole means of livelihood. To improve the situation of primary education in nomadic areas, Mr al-Kanzi has proposed the introduction of day boarding schools where breakfast and lunch would be provided for school children. Such a facility is desperately needed in the pastoral-nomadic areas where children must currently walk long distances in inhospitable weather or sweltering sun to attend their classes. However, proposals for the improvement of the condition of primary education in the Red Sea area, Kordofan and Darfur have been received passively by the central government.

Ethnic discrimination

Much of the deterioration in the quality of education in southern Sudan is due to the NIF's systematic policy of ethnic descrimination. Since the operationalization of the 1992 General Education Regulation Act, Arabic has become the sole medium of instruction

at all levels of education; and a new national curriculum, tailored to the NIF interpretation of Islam, has been implemented. Before the implementation of this new curriculum, the media of instruction in southern Sudanese primary schools included Arabi Juba (a pidgin of southern Sudanese Arabic), English and vernacular languages. Secondary-level education was taught exclusively in English. The sudden introduction of the Arabic language as the medium of instruction will therefore seriously obstruct the provision of basic education to a majority of southern Sudanese schoolchildren.

The NIF has also sought to deny the basic right to education to displaced southerners currently living in Khartoum and other northern regions. Prior to the advent of the NIF, schools for the displaced had been established in Kartoum in order to redress the inequality of opportunity, and to cater for the special needs of southerners, through the adoption of a curriculum and a medium of instruction tailored to meet the needs of the displaced pupils. Before their takeover by the Ministry of Education, these schools were run by southern Sudanese educational offices, including Churches and other relief organizations. However, on coming to power, the NSR government and NIF functionaries in Khartoum declared war on the schools for the displaced, accusing them of being havens of Christianity and strongholds of southern Sudanese liberation-movement sympathizers. Recent reports reveal an increase in inhuman and degrading practices against southern Sudanese schoolchildren. An estimated 100,000 displaced Sudanese schoolchildren are reported to have been taken by the NIF Popular Defence Forces (PDF) for Islamic education and military training.

One of the more recent measures to this effect was the takeover, in July 1992, of 140 schools in the state of Khartoum designated for displaced southerners. Of these at least two secondary schools were reported closed down and their pupils dispersed in NIF-controlled schools. These hardliners are pursuing a policy bent on the total dismantling of an educational system catering for the needs of Christians, southerners and foreigners in the region. The education of thousands of southern students will be seriously and sometimes irrevocably damaged due to their transfer to schools which teach only in Arabic.

The schools for the displaced were not the only schools to suffer from the NSR's Islamization of Sudan's educational system. Draconian measures were also taken against the Egyptian and Catholic Mission education systems, which have been operating in

Sudan since the nineteenth century. The latter have been singled out as arch enemies of the state and as havens of secular and Western educational trends.

Following the promulgation of the General Education Regulation Act in 1992, Egyptian schools were nationalized in a unilateral move and then requisitioned and handed over to the Sudan Ministry of Education without due process or consultation with the Egyptian authorities. The Egyptian education mission staff and administration were forced to leave the country at short notice, and in the process were reported to have been harassed, intimidated and maltreated by the Sudanese authorities.

The Catholic Mission education system has been under siege since 1992. During the previous school year the Comboni Sisters' School, founded early this century, managed to obtain an exemption allowing the schools to run an English stream to allow southern Sudanese and foreign students to pursue their studies through the medium of English. During the 1992-93 school year, however, the Khartoum Ministry of Education stepped up pressure on the Comboni Sisters' School, ordering the administration to instruct female students to abide by the 'Islamic' code of dress. The school administration objected to the Ministry's directive on the grounds that it ran counter to the multi-ethnic nature of the student body (in 1993, the Sisters' School population comprised 466 Moslems, 260 Christians and 24 Hindus). Oblivious to the Sisters' School's objections, the state's minister of education has threatened to close the school if the new dress code is not implemented. Implicit in this threat is the strategic objective of the NIF to dismantle the Catholic Mission schools and replace them with an Islamic alternative.

Discrimination against women

Since the advent of Shari'a in 1983, the discrimination against, and repression of women has been institutionalized. This has led to a systematic denial of women's right to education. Instead of attending the state educational system, many women are now subject to a new type of educational policy sponsored by the NSR Jihadist organizations. *Buyout al-Noor*, otherwise known as 'female repentant camps', are said to be female 'adult literacy classes' designed for the 'spiritual cleansing' of women of southern or western Sudanese ethnic origin. According to the director of *Buyout al-Noor*, the project is meant to 'inculcate the Islamic Shari'a in the

personalities' of the repentants through recital and memorization of the Quran.[12] This objective clearly has little to do with combatting illiteracy. *Buyout al-Noor* are in reality internment camps where whole non-Moslem families, including the elderly and schoolchildren, are kept against their will and contrary to their beliefs, and where they are forced to attend classes of doctrinaire education in contravention of the universally recognized ethics of education.

If and when women get the chance of proceeding to tertiary education their efforts are obstructed in a number of ways. Interpersonal communication between male teachers and female students for academic and educational purposes is sometimes regarded by the NIF public-order organization as an un-Islamic act that warrants sanction by the authorities. Given the very small number of female teachers at the tertiary level of education, female students are therefore often denied the individual attention that male students are able to receive from their professors. The ratio of women to men among Khartoum University teaching staff is currently estimated to be 1:15 in political science, 3:18 in sociology, and 1:12 in law. Female university and school teachers are treated as second-class citizens and subjected to systematic violation of their human and professional rights, including that of promotion and the holding of senior academic and administrative posts. Given the gross gender discrimination inherent in NIF policies, the disadvantageous position of female lecturers will undoubtedly continue, and the recruitment of new female teachers is bound to be restricted.

In blatant violation of internationally recognized human-rights norms, the NIF has imposed the Islamic standard of behaviour on all female students regardless of religion or ethnic background. In 1992 a number of female students were verbally abused, flogged and/or dismissed from universities for the simple reason that they did not comply with the NSR code of behaviour or dress. As from the 1993-94 academic year, the wearing of Islamic dress will be compulsory for all female students in universities and other institutions of tertiary education. Khartoum University has already put into practice an edict issued by the minister of education, Professor Ibrahim Ahmed Omar, imposing the wearing of Hijab (Islamic dress) as a precondition for registration in tertiary-education institutions. In line with this policy, Khartoum University faculty deans are ordering female students to sign a

prepared undertaking — as a condition for registration — to wear a loose dress covering almost all the body except the face, arms and feet. Female students declining to sign the undertaking will be denied their right to education and subject to reprisal by NIF-controlled public-order and Jihadist organizations. Female students who sign will be constantly monitored and those failing to comply with the Islamic dress code will be barred from entering university campuses.

Despite the social, religious and institutional suppression of women's educational and academic rights, the number of female entrants to higher-education institutions has been growing steadily, as has their academic performance relative to their male counterparts. Not surprisingly, such facts have been interpreted as an evil omen by the incumbent minister of education, who expressed alarm at such a 'dangerous trend' and threatened, in 1992, to introduce a quota system whereby the number of female entrants to higher education would be less than the number of male students. Since then, the right to admission of *ahliyah* (private) universities, including Omdurman Ahliyah University, has been brought under the jurisdiction of the centralized Unified Admission Office.

Restrictions on Academic Freedom and University Autonomy

The principles of university autonomy and academic freedom, as defined by international human-rights instruments, do not have a place within the Islamically orientated 'education revolution' in Sudan. Since 1990, the NSR has been systematically and consciously pursuing policies and practices which undermine these principles and thereby the academic integrity of Sudanese universities. New laws governing individual universities were promulgated in 1990 pursuant to the provisions of the Higher Education Regulation Act (HERA). The latter acts as an overarching constitution, the dictates of which apply to all universities within Sudan regardless of their particular statutes.[13] The Act empowers both the minister of education, who is also the chairman of the National Council for Higher Education, to interfere at will in the academic and administrative machinery of individual universities. The individual statutes of each university now stipulate that the board chairman, vice-chancellors and deputy vice-chancellor shall be appointed by

the president of the republic, upon the recommendation of the minister of education. In accordance with the HERA, the president of the republic also serves as the patron of all universities and has the power to interfere in practically every aspect of their everyday functions.

The Higher Education Regulation Act also stipulates that the university community's right to academic freedom, and freedom of thought and scientific research, is allowed 'within the limits of the law and the Constitution'.[14] Given that Sudan has no official constitution, and that the government's constitutional decrees prohibit the manifestation of any opinion or policy other than those vetted by the NSR, the rights and freedoms guaranteed by international human-rights instruments, including freedom of thought and academic research, are essentially non-existent. The adverse effects that this absence of freedom and autonomy has on the university are many: democratically elected university administrations have been dismissed, research which challenges Islamic faith in any way has been prohibited, journals have been banned, and professors and students dismissed, incarcerated, and tortured.

Destabilizing Khartoum University

Khartoum University, the country's oldest and most distinguished institution of higher education, has been steadily declining in terms of academic standards and autonomy. State interference has resulted in the dismissal, on ideological and political grounds, of dozens of university professors and teachers, the coercive Islamization of academic life, the denial of access to training abroad, and the suppression of freedom of thought, expression and opinion on the university campus.

The right to free education for all in Khartoum University has now been abolished and a 'market education', in line with the NSR economic liberalization policy, has been introduced. During the 1992-93 academic year, all first-year students were obliged to pay tuition fees ranging from LS2,000 to LS25,000 (US$1 = LS400) as a condition of pursuing university education. Students of expatriate parents pay even more and in foreign exchange. This means that the majority of Sudanese, especially in the rural and marginalized areas, have been priced out of the education system and denied access to an already narrowly based tertiary education. The new policy is also set to institutionalize discrimination along political and ideological

lines, since the only grant-awarding body, the Student Support Fund, is financed by NIF-controlled organizations.

One of the perennial problems that bedevils tertiary education is the severely inadequate budget allocated for universities. This has not only impinged upon academic standards and the provision of education, but has also led to a steadily growing 'brain drain'. The budget allocated for the University of Khartoum does not even cover staff salaries. To make matters worse, the university does not have the right to use the money accrued from its investment projects. All revenues must be channelled to the Ministry of Finance, in addition to LS54 million that the university must pay on a monthly basis to the Treasury. In some government financial circles, universities are seen as investment projects rather than as necessary for human development and as educational institutions. In the fiscal year 1993-94, the budget allocated for seventeen universities amounted to an estimated US$14 million, of which only about US$1 million was approved by the Ministry of Finance.

As a result of the NSR's 'education revolution' programme, Khartoum University is subject to two uncomplementary and academically devastating trends. On the one hand, due to a severe lack of funding, religious favouritism and appalling teaching conditions, Khartoum University is experiencing an unprecedented shortage of qualified teaching staff. In the 1993-94 academic year the University of Khartoum will have a shortfall of more than four hundred teaching staff, especially in the fields of science, medicine and engineering. On the other hand, the government has increased enrolment quotas. As a result student enrolment has more than doubled, up 1,100 to more than 15,000. Much of this increase is attributed to the NSR's policy of forcibly repatriating thousands of Sudanese students who have been receiving tertiary education abroad, and admitting them to institutions of higher education in Sudan, regardless of their academic qualifications. Even if all the students in attendance did possess the requisite academic skills, the existing teaching facilities prevent effective learning. Classrooms and laboratories are overcrowded, lecturers are scarce, and texts books outdated.

Undermining Juba University

Juba University was established in the southern city of Juba in 1977 with the objective of redressing the inequality and discrimination against southern Sudanese students in higher education, and to

harness socio-economic development in the region. Although it was originally decided that 75 per cent of the intake should be allocated to southerners, shortly after its establishment it became apparent that southerners were allocated only 50 per cent of the places and that the higher echelons of both teaching and administration were reserved for northerners. In early 1980s, then president Nimeiri, with the help of funds provided by Saudi Arabia, ordered his government to adopt a policy designed to attract Islamist university teachers to academic posts at Juba University. As a result, a Moslem fundamentalist, Professor Abdelal Abdalla, was appointed vice-chancellor. This ushered in a period of instability in the university, which eventually resulted in the dismissal of a number of lecturers and scores of students.

During the democratic period of 1986-89 a new vice-chancellor, affiliated to the ruling Umma Party, was appointed. The discriminatory hiring practices continued, however, fuelling further unrest on the university campus. In 1989, in response to the unrest, the government transferred the university to the capital, Khartoum. The transfer has seriously undermined the quality of education that it was once able to provide. The living accommodation provided for students and staff is in short supply and of a very poor standard, as are the lecture rooms, laboratories, text books and libraries.

Restrictions on Freedom of Expression

Freedom of expression, opinion and thought are nonexistent in Sudan, and freedom of the press and broadcasting are denied both in law and practice. Since 1989 Sudan has been virtually cut off from the world due to severe restrictions placed on the channels of communication. The media is owned and controlled by the state, and the publishing of books and political newspapers is prohibited without the prior authorization of the Press and Publication Council. In higher-education institutions, the airing of opinions critical of the administration normally results in dismissal, and even detention and torture. Recently, access to important academic journals and books has become extremely difficult as a result of both direct censorship and cuts in library budgets. The University of Khartoum library, the largest in the country, is on the verge of collapse.

Censorship, which in the past mainly applied to the mass media, has now engulfed academic publications. The University of

Khartoum, renowned for its long-standing academic reputation, is now under permanent siege. Security agents have been stationed in the university campus and have infiltrated the staff club. Khartoum University Press (KUP) has been officially censored; its director general is regularly interrogated, staff are dismissed and detained. KUP premises are searched for seditious and blasphemous literature, books are confiscated, and publication is sometimes prevented. For example, KUP's quarterly journal *Hurouf* – distinguished for its liberal and pluralistic approach to Sudan's cultural and social affairs – was temporarily banned in 1992. *Hurouf*'s executive editor Bashir Jum'a Sahl, editor Sharaf Eldin Yassin Mahmoud[15] and Nur al Huda Mohammed, deputy director of distribution, were dismissed by presidential decree. This clampdown on academic and commercial publishing is carried out within the framework of the NSR-NIF 'Islamization of Knowledge' project. Consistent with NSR orientation is a sustained media campaign currently being waged against academics, historians, writers and journalists. One of the books singled out by the NSR media is Na'um Shuqayr's *Jughrafiyat wa Tarikh al-Sudan,* a classic history book dubbed 'un-Islamic' and deserving of being banned.

Although literature dealing with religion and Sudanese cultures and beliefs has long been suppressed, the scope of suppression has widened since 1989. The Sudanese state, even during the rule of democratic governments, never officially acknowledged Sudan's cultural, linguistic and religious pluralism; nor for that matter has it ever sponsored free discussion and documentation of these issues. Instead, any endeavour by the academy to enter into such dialogue has been met with ideological and physical repression. Indigenous languages including Dinka and Nubian are routinely denigrated, and music featuring indigenous cultures is allowed only as a public-relations exercise. Dr Ushari Ahmad Mahmoud, a strong proponent of cultural and linguistic pluralism, has been harassed and detained without trial for challenging Sudan's dominant Arab-Islamic culture. He was also dismissed from his part-time teaching post at the Arab League Khartoum Arabic Language Institute for allegedly 'harbouring ideas hostile to the Arabic language and culture'.[16]

The NSR Islamization of Knowledge programme has engendered a religiously motivated hostility towards certain academic disciplines such as biology and archaeology. Teaching of

the Darwinian theory of evolution is now seen as tantamount to waging war against Islam. Dr Farouq Mohammad Ibrabim was brutally tortured in one of the secret ghost houses in Khartoum simply for teaching the Darwinian theory as part of his biology course in the Faculty of Science at Khartoum University.

University departments of archaeology, the National Museum and the Department of Antiquities, along with archaeology academics and experts, have been the target of an NSR clamp down. This is due to the belief that Sudan's archaeology and antiquities, by virtue of focusing on the study and preservation of Nubian and Christian relics, are viewed by the NIF *al-ta'silal-hadari* (Islamic Cultural Indigenization) as a glorification of Sudan's pre-Islamic history. The pre-Islamic period, which witnessed the Nubian civilizations, is regarded by the NIF as a *'jahiliah'* or epoch of ignorance. Sudan's real history begins, according to the NIF, after the advent of Islam. It is on this premiss that the NSR government is currently reported to be plotting to dismantle the National Museum and Christian relics, either through the physical destruction of the antiquities, or their dispersion as gifts.

In setting the agenda for this scheme the NSR has dismissed a number of prominent archaeology experts, including Professor Usama al-Noor, Director of the government Department of Antiquities, who was also detained, and Ali Osman Mohammed Salih, associate professor of Nubian Archaeology at Khartoum University. Artefacts, scriptures, icons and books featuring Nubian and Christian cultures, or other global cultures incompatible with Islam, are subject to confiscation and destruction. In the state of Khartoum the display of scripture, paintings, images and icons that contradict Islamic religion and morals is prohibited according to the State of Khartoum Public Order Act 1992.

During 1992, in the state of Khartoum, a number of statues were dismantled, including that of Sheikh Babiker Bedri, the father of women's education in Sudan. The monument was removed by unidentified people from the campus of the Ahfad University for Women in Omdurman. Christian scriptures and books were also targeted. In one incident a popular committee official in the Khartoum suburb of Al Thawra was reported to have confiscated a number of well-known children's books, which were later described by the government newspaper *Al Ingaz al Watani* as 'a poison', a 'war on the Quran', and 'a wicked' [Christian] 'conspiracy'.[17]

The NSR also maintains a hostile policy towards theatre and other art forms. According to the NSR, the 'Islamisation of Art' programme, theatrical, cinematographic and musical works must comply with Islamic Shari'a and the orientation of the *umma*, both in form and content; meetings and contacts must be made between artists and the *fuqahah* (Islamic jurists); and Islamic and Jihadist songs (including that of the Popular Defence Force) should be promoted and performed using modern musical instruments. Such policies have effectively crippled the arts community. All theatre seasons are reported to have been cancelled. Only Islamic theatre groups are allowed to perform freely; they have been encouraged both by the state and the Jihadist organizations to come up with an alternative national theatre. In 1991 the Institute of Music and Drama, the only educational institution of its type, was closed and later reportedly affiliated to the University of Science and Technology. The performance of music and songs and the recital of prose and poetry of a 'lower grade' is also prohibited. Apart from Western music, this may include a mosaic of Sudanese folk and popular songs and dances representing a diversity of ethnic and linguistic groups.

Restrictions on Freedom of Association

Since June 1989, all rights pertaining to freedom of association, assembly and peaceful demonstration have been banned, pursuant to the emergency powers provided by Article 6 of Constitutional Decree No. 2. The activity of political, cultural and religious associations and special interest and religious groups has been prohibited, and put under constant security surveillance.[18] For the first time in Sudan's post-independence history, student political activity and associations have been banned on university campuses and other tertiary-education institutions.

The NSR has also been pursuing a carefully designed policy of repression against the trade-union movement and professional associations, including those of teachers and academics. Among the repressive measures used against trade unions were harassment, detention, torture and sometimes killing. The right of students to form independent unions and to associate for political purposes on university campuses has also been attacked. For the first time in post-independence Sudan, this resulted in the closure of Khartoum

University's political centre Al-Nashat, the banning of the traditional *suhuf al-ha'it* (student handwritten wall newspapers), and the banning of the influential Khartoum University Students Union (KUSU). In protest, the outlawed student organizations stood up against the NIF's repressive dictates and succeeded in compelling the administration to lift the ban on the KUSU. The students' jubilation was, however, short-lived as the then NSR-appointed vice-chancellor, Professor Mamoun Himaida, issued new edicts stripping the students of their right to elect their union independently.

After the November 1993 KUSU elections, the NIF-controlled list of candidates were announced winners by a small majority. The opposing student groups rejected the results and lodged a complaint alleging massive vote-rigging. Events spun out of control, and more than three hundred students who opposed the NIF were arrested and detained for a short period of time. Although the election results were suspended in response to the student demonstrations, the vice-chancellor reiterated that restrictions on freedom of association and expression in the university campus would remain imposed, and that harsh punishments could be inflicted on the 'provocateurs and the politically motivated'. Moreover, he accused the student groups opposed to the NIF of being used by political forces outside the university, forces which he was unable to name.[19]

Pro-democracy students are routinely suppressed in the new NSR-established universities. In August 1993, the Cairo-based *Al-Khartoum* newspaper reported the dismissal of twenty-nine students in Al-Sharq (The East) and Wadi al-Nil (Nile Valley) universities for involvement in political activity on the university campus and for defiance of the ban imposed on the freedom of association and expression (p. 44). Eight of the students dismissed were members of the Student Association of the Mechanical Engineering College of Wadi al-Nil University in Atbara, north of Khartoum. They had rejected an order by the vice-chancellor demanding that they dismantle *suhuf al-ha'it* and cease political activity on the campus. Twenty-one students from the Al-Sharq University in Kasala, eastern Sudan, were also dismissed for their alleged commandeering of a student protest in response to the deteriorating living conditions in the hastily established university and the failure of the NIF-controlled Student Support Fund to

honour its commitment to house and provide financial support to needy students.[20]

Students who criticize the NSR Islamization and Arabicization of the education programme are particularly brutally suppressed, as are those who oppose the religious re-education in the Popular Defence Forces (PDF) camps (attending military training and Islamic re-education programmes in PDF camps is a precondition for registration in the universities and other tertiary-education institutions). In October 1991, some twenty-two students were reported killed as they attempted to flee the southern city of Juba to Uganda, in the wake of a brutal government crackdown on a student protest which had been organized against the imposition of Arabic as the medium of instruction in the city schools. Many other students were detained and the schools were ordered to be closed.[21]

In Sudan, barely a year passes without the killing, injury, detention, torture or dismissal of students opposed to the government. In August 1993, demonstrations broke out in the western city of Obeid in protest against the lack of services and against human-rights violations. They were brutally suppressed by the PDF and the security forces, and resulted in the death and injury of many people, including school pupils. Some demonstrators were reported to have been taken to the desert and tortured. During the week-long demonstrations, the city's NIF-controlled institutions were reported to have been attacked and residential and public buildings daubed with anti-government slogans. In retaliation, the authorities ordered the schools closed for four weeks.

Since 1989, the NIF-controlled General Union of Sudanese Students (GUSS) has been the only student association that, without having been democratically elected, is allowed to operate freely, not only in schools and on university campuses, but also in the general political and social domains, where it now wields significant power. Far from supporting and defending student interests, GUSS has been instrumental in the violation of students' human rights and has actively supported the NSR Islamization of education policy and the forcible recruitment of students into the Popular Defence Forces. Defying the will of the majority of students, GUSS also supported the NSR closure and nationalization of the Khartoum Branch of Cairo University, hailing it as yet another step in the NSR Islamic march. GUSS was also reportedly behind the strike in March 1993 by the security forces of the Khartoum Branch in Cairo University

and the subsequent brutal repression of a student demonstration organized in protest against the university's nationalization decree.

Notes

1. The Sudanese Moslem community is vehemently opposed to the NIF interpretation of Shari'a.
2. *Al-Ahram International*, 31 December, 1993.
3. Since 1989, an estimated 1,500 journalists, writers and media workers were reported to have been dismissed from their jobs for political and ideological reasons; many were reported to have been detained and tortured. For a study of the mechanisms of press control in Sudan, see *Sudan: Press Freedom Under Siege*, April 1991.
4. Cited in Sudan Democratic Gazette, no. 44, January 1994; and Sudan Human Rights Organization, *Sudan Human Rights Voice*, vol. 3, no. 1, January 1994.
5. Philosophical Society of Sudan, *Education in Sudan*, Proceedings of the Eleventh Annual Conference, 10-11 January, Khartoum, 1963, pp. 76-89.
6. *Progress of Education in Sudan*, a national report presented to the 40th session of the International Conference on Education, Geneva, December 1986, pp. 2-3.
7. The General Education Regulation Act 1992, *Republic of the Sudan Gazette*, no. 1516, 5 March 1992, p. 3.
8. B.C. Sanyal, L. Yaici and I. Mallaci, *From College to Work: The Case of Sudan*, UNESCO: International Institute for Educational Planning, Paris 1987.
9. *Ibid.*, p. 190.
10. *Al-Inquaz al-Watani*, 10 May 1991, p. 5.
11. *Al-Inquaz al-Watani*, 20 May 1992, p. 5.
12. For the statutes of the universities, including the University of Khartoum, see the Republic of Sudan Gazette, no. 1542, 15 August 1990, pp. 20-89.
13. *Ibid*.
14. *Ibid*.

15. Sharaf Eldin Yassin Mahmoud was detained and tortured. He testifies to this ordeal in 'Ghost House', *Censorship News*, no. 13, 2 April 1992. For the techniques of torture in detention, see *Sudan: Torture as Censorship*.
16. *Freedom of Expression in Sudan*, August 1991, p. 9. Also see this document for a study of the legal and political constraints imposed on freedom of expression in Sudan.
17. 'Hawl: Innahum Ykhar'riboun Aqa'id Atfalina', *Al-Inqaz al-Watani*, November 4 1992, p. 3.
18. For a study of the legal and political limitations on the right to freedom of association and political participation, see 'Dismantling Civil Society: Suppression of Freedom of Association in Sudan', *Censorship News*, no. 27.
19. *Al-Khartoum*, no. 425, 15 November 1993, p. 1.
20. *Ibid.*, no. 343, 19 August 1993, p. 1.
21. *War and Oppression: Its effects on Education in Sudan*, unpublished report (by a foreign aid worker) 10 December 1992.

6. China: Academic Freedom and Ideological Barriers

Fang Lizhi

A dictatorship is never interested in academic freedom. This is because such freedom represents the most effective constraint on power; it is an uncontrollable source of potential opposition. Today's world still very much needs academic freedom in order to guarantee freedom from all of the ideological barriers set up by current dictators.

For instance, after the 4 June 1989 massacre in Tiananmen Square, one of the immediate measures taken by the Chinese communist authorities was to reduce the number of students enrolled in universities. In addition, some professors were prohibited from publishing scientific books and articles, and had their right to accept graduate students revoked. These actions clearly show that the Communist leaders of China are well aware that education is always one of the main platforms of pro-democracy movements. And it is indeed true that over the last forty years in China, scholars and students have been deeply involved in every movement for democracy and freedom, and have also suffered heavily from political persecution. In the 1950s, hundreds of thousands of scholars were stripped of their positions, sent to prison, subjected to hard labour, or even executed. During the Cultural Revolution from 1966 to 1976, intellectuals suffered under the wrath of the regime's police.

Why is it that people who do research and are involved in education have always conflicted with the Communist authorities? The answer is quite simple: the basic spirit and methods of science require free research, which directly conflicts with an ideology of tyranny. The notion of absolute authority, for instance, is completely absent from science; science is not a doctrine. For example, even in the first course in physics we discuss the problem of dealing with experimental error, and we teach our students that physics is always changing, that old theories are replaced by new ones. It would be pointless to try to conceal errors in physics, because physics is not a field in which making a mistake, or pointing out someone else's error, is a capital offence. Consequently, a student who keeps an

open mind about problems in physics will not unquestioningly worships a dictator or a tyrannical ideology. Science also requires freedom of scientific exchange, which involves the free circulation of scientists and scientific knowledge. Scientists therefore cannot adapt to a society in which information is centrally planned. In short, scientific education and free research are totally inconsistent with ideological controls.

This fact leads the Communist leaders to fear scientific education. Almost all of the great physicists, from Newton to Einstein, have been characterized by Communist dictators as members of the bourgeoisie, whose contributions are said to be 'bourgeois spiritual pollutants' that contaminate Communist doctrine. In China, anyone who wants to study science will meet with greater or lesser political restraints. The authorities in today's China stipulate that all educational programmes, from sociology to mathematics, be taught in a manner that is consistent with inculcating the ideals of the so-called 'Four Cardinal Principles': to uphold the teaching of Marxism-Leninism and Mao Zedong; to keep to the socialist road; to strengthen the leadership of the Communist Party; and to support the dictatorship of the proletariat. Any scientific information that strays from these ideals has no place in Communist China. For example, in philosophy courses at Chinese universities, one must avoid directly discussing whether the universe is finite or infinite. This is because of an article by Friedrich Engels which states with certainty that 'the universe must be infinite'.

In short, Communist leaders in China allow research in technological and military fields, but reject the influence of the spirit and values of academic freedom. Such restrictions, of course, do not work. The concepts of so-called 'Marxist physics' and 'proletarian physics' are nonsense. Physics and the other sciences, as fields of knowledge, are independent of political power and ideology. The only thing that matters in deciding on the merits of scientific research is the estimation of one's colleagues. The true scientists in Communist China despise the claim that the Four Cardinal Principles are the supreme guide to all activities, including scientific education and research. In order to pursue science, a person must oppose the influence of ideological doctrine. This often is the starting point from which scholars and students depart from Communist orthodoxy. Scientific thought tends to steer away from

Communism and leans towards democracy, freedom and human rights.

In today's world, although the spirit and principles of academic freedom are taken for granted by the scientific community, they still have fresh value for human beings who live under fear, like that provoked by the Tiananmen Square massacre. We must not forget this when we discuss the value of the rights to education and scientific research. Education is a universal enterprise and is international in scope. It depends on the unrestricted communication of knowledge. Infringements of academic freedom not only hinder the pursuit of scientific inquiry but also adversely affect the progress and potential of human society. The community of education and research therefore has an important role to play in defending people who are in distress because of violations of academic freedom. The concern of people who are engaged in free education and research has helped and is still helping others to pursue their work in freedom without political and ideological harassment. It is precisely this kind of concern that encourages the world to advance.

7. Burma (Myanmar)

Martin Smith

Political Background

The issues of education and academic freedom in Burma (Myanmar[1]) have long been subordinate to the country's long-running political and ethnic crisis. Tragically, six years after the ruling State Law and Order Restoration Council (SLORC) assumed power in a bloody military coup, the political reform process once again appears deadlocked in a state of complex and uncertain transition.

Following their takeover in September 1988, the SLORC's military leaders pledged to introduce a new era of multi-party democracy once 'law and order' had been restored. With a new economic 'open-door' policy, this appeared to herald the end to a quarter century of one-party rule under the idiosyncratic 'Burmese Way to Socialism' of General Ne Win. Opposition groups, however, argue that every step towards real political reform has been frustrated. Daw Aung San Suu Kyi, the 1991 Nobel Peace Prize winner, has been held under house arrest since July 1989; the result of the 1990 election in which her party, the National League for Democracy (NLD), won a landslide victory has been overturned; and schools and universities have been shut down at the first sign of protest. In the meantime, several thousand students and democracy activists have been arrested, and over 300,000 refugees have fled into neighbouring Thailand, China, India and Bangladesh as conflict at first escalated around the country's ethnic-minority borderlands.

Against this bleak picture of repression, there have been signs of a change in tactics and a gradual reduction in military pressures since April 1992, when General Than Shwe replaced General Saw Maung as the SLORC chairman. Since this time, over two thousand political prisoners have been released, restrictions on foreign visitors have been lifted and a halt has been announced to government offensives against armed ethnic opposition groups. As increasing numbers of insurgent organizations accepted the offer of peace talks, by early 1994 it was clear that the political framework in Burma was undergoing one of its most fundamental reorientations since

independence in 1948.

The new centrepiece in the SLORC's political reform strategy is the hand-picked National Convention, which began in January 1993 to draw up the 'principles' for a new constitution, Burma's third since 1947. Discussion has been slow; but, to date, the future 'leading role' of the military in Burma's national political life has been guaranteed, and it has been announced that the country will have a bicameral parliament under a president, who must have military as well as political experience. A degree of self-administration has also been offered to different ethnic minorities.

However, whether such reforms will ever find the acceptance of the 43 million Burmese peoples while Aung San Suu Kyi and other democracy leaders are still under arrest remains to be seen. What is more, several important insurgent groups remained outside the reform process. In February 1994, rumours circulated of a possible breakthrough in the deadlock, when US Congressman Bill Richardson was allowed two meetings with Aung San Suu Kyi, which were held under United Nations (UN) observation. Hopes, however, quickly faded when SLORC officials made it clear that Suu Kyi was likely to be held beyond the government's legal deadline, in July 1994, for the maximum five years without trial. Parties on all sides – from the military to ethnic minorities and the NLD – are agreed on the need for change. But countrywide reconciliation is clearly going to be a long process.

Social and Human Rights

Against this background of conflict, in the past six years Burma's many grave social problems have continued to mount and will seriously trouble any government that eventually comes to power. With an average per-capita income of just US$250 per annum, Burma is classified as one of the world's ten poorest countries with Least Developed Country status at the UN. In Rangoon, Mandalay and other main conurbations, there is increasing evidence of trade and of the SLORC's changes in economic policy; but, for the moment, development is very uneven. Amidst worsening poverty and inflation, large numbers of economic migrants and refugees have continued to try to leave the country. In addition, since 1988 Burma has become the world's largest producer of illicit opium and

heroin; and, with an estimated 400,000 HIV-carriers, AIDS is continuing to spread at an alarming rate throughout the country.

Children and young people are especially vulnerable to the consequences of Burma's social decline. Since 1988 the United Nations Children's Fund (UNICEF) has identified three groups of 'Children in Especially Difficult Circumstances' in Burma: child victims of armed conflict, the children of ethnic minorities, and child labourers. Indeed, though children under the age of 5 make up only 15 per cent of the total population, they account for almost half the annual death rate. Clearly the need for solutions to Burma's political problems is urgent. According to one UNICEF investigation, as many as 4 million of the country's 11.8 million children, aged 6 to 15, might be working today.[2]

The scale of Burma's problems has led to differences of opinion in the international community between Western governments, which have supported an aid and arms embargo against the SLORC, and neighbouring governments, especially Thailand and China, which have advocated a policy of 'constructive engagement'. According to this latter scenario, the strengthening of economic, cultural and social ties is the best way to end Burma's long isolation and to encourage reform and development. In 1994, as leading SLORC officials began to pursue the idea of regional dialogue more openly, there were clear indications that it was this latter policy which was likely to set the pace in the coming year. In July 1994, the SLORC was even invited to attend the annual meeting of the Association of South East Asian Nations in Bangkok for the first time.

Human-rights pressure, however, has been maintained by virtually all governments at the UN for the past six years. During 1990-92, two teams of independent experts were sent by the UN Commission on Human Rights to investigate, under the confidential 1503 procedure, 'a consistent pattern of gross violations of human rights' in Burma. Due to dissatisfaction at their lack of progress, in 1992 they were superseded by the UN's Special Rapporteur on Human Rights, Professor Yokota, who has published two highly condemnatory reports to date.[3] The work of these UN agencies has been backed up by a mass of documentation on human-rights abuses generated by international organizations such as Amnesty International and Asia Watch.[4]

Of particular concern are arbitrary arrest and imprisonment, torture and extrajudicial executions, tough restrictions on freedom

of speech and assembly, the compulsory relocation of civilian communities, and forced labour and portering (especially in the war zones). The disturbed background behind all these factors has had a massive impact on the educational development of an entire generation of young people.

The Crisis in the Education System

Despite the present impasse, since 1988 a number of important studies on education have been instituted by different UN agencies working in Burma in conjunction with the Ministry of Education. Reality often defies the rhetoric, and to date few of the mooted reforms have been implemented; even if there were countrywide peace tomorrow, vast amounts of time, money and resources would still be needed. None the less, there does appear to be a growing awareness of the scale of problems inherited from the Burma Socialist Programme Party (BSPP) era, and in the safe language of UN-backed reports these concerns are discreetly being voiced. According to a joint United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Development Programme (UNDP) and Ministry of Education summary report in 1992:

> In the 40-year history of Myanmar's education system, [the] ground has not been systematically paved, as its course was altered many times. Frequent and drastic educational changes, sometimes implemented abruptly, have been initiated largely by central headquarters rather than coming about as the result of concerted grassroots efforts.[5]

The apparent starting point for this long-overdue reappraisal of educational priorities in Burma was the World Conference on Education for All, held in Jomtien, Thailand, in March 1990. The Myanmar National Commission for UNESCO subsequently adopted the main objectives of the Jomtien Declaration, one of the key principles of which is to improve the quality of education at the regional, national and global levels by enhancing community development and participation. In the following year, the SLORC ratified the UN Convention on the Rights of the Child; UN agencies

were allowed to begin seminars on the Child's Right to Education; and a number of research committees in a new 'Education Sector Study' were set up under the Ministry of Education.

As a result of these studies, three major but interconnected areas have been targeted as requiring urgent structural reform if Burma is ever to adapt to the challenge of a modernizing economy: a massive improvement in the quality of primary education; the expansion of vocational education; and an end to rigid exam elitism in high schools for entrance to universities.

The problems have evolved over the years. Government statistics, for example, confirm the massive expansion in state provision of education since independence; high schools alone increased from 108 schools with 10,000 students in 1952 to 726 schools with 296,756 students by 1988.[6] The problem, however, lies in the quality of education. An estimated 65 per cent of the workforce in Burma is unskilled today, and even teachers themselves work for an average of five years before they receive any formal training.

The evidence is stark. For example, of the million schoolchildren who embark on their school careers each year, fewer than one in three will complete the basic four-year cycle of primary school; then, of the 300,000 school leavers who annually finish primary or middle school, only 13,000 will be offered training places by the Department of Technical, Agricultural and Vocational Education; finally, for the successful 3 per cent who struggle through the bottleneck of high-school exams to tertiary education, standards in many subjects have slumped.[7] Indeed, there are no Ph.D. programmes in any subject in Burma, and many specialist departments, such as Philosophy and Anthropology, have collapsed.

The failures of the system permeate all levels of education. Over the years, drastic methods have been employed by education officials to fulfil government directives or to try and rectify some of the more obvious inadequacies. For example, having abolished English from the curriculum in 1966 under the 'Burmese Way to Socialism', in 1980 Ne Win just as suddenly reintroduced the subject from kindergarten following a massive decline in standards. High schools and universities were also now required to teach many other subjects, including sciences, in English. However, with virtually an entire generation of students lost to fluent skills, standards have never recovered. The most obvious evidence of these failures in the system is the massive drop-out rate of both students

and teachers throughout the country. Political repression has undoubtedly been another major factor (see the section 'Continuing Restrictions on Academic Freedom' below); currently there are several hundred Burmese lecturers, many of whom are political exiles, working at different colleges and universities in neighbouring Thailand alone.

However, the growing impoverishment of many teachers is also an equally urgent pressure. Even some of the most committed teachers claim that they are now being forced to quit their jobs by poverty. With average salaries of just 1,250 kyats (US$10) a month in 1993, many teachers can earn ten times this amount as traders or giving private lessons to university hopefuls. The scale of this dilemma was publicly recognized for the first time by the SLORC Secretary-1, Lieutenant-General Khin Nyunt, in April 1994 when he threatened to make private tuition illegal and announced the setting up of an 'Education Employee Cooperative' to help teachers in financial difficulties.[8] Clearly, major changes in the quality and conditions of education in Burma are needed to run in tandem with the pace of political reform.

The Structure of Education

The right of all citizens to education in Burma has been guaranteed by a succession of different laws and constitutional reforms since independence in 1948. In the short-lived parliamentary era of 1948-62, a broad spectrum of state, private, Christian and Buddhist monastery schools legally functioned around the country. All, however, were brought in line with a single-track system under the Ministry of Education — from primary school through to university — by the eight-year Economic Development Plan (or *Pyidawtha* scheme) of 1952. Following Ne Win's 1962 coup, all schools were nationalized; but the theoretical right of free education, available to all, was maintained under Article 152 of the BSPP's 1974 constitution, which stated that 'every citizen shall have the right to education' and that 'basic education' would be compulsory.

Under the SLORC, further constitutional reforms affecting the right of education have been promised. The general administration of education, however, has still followed the stuctures set out in the BSPP's Basic Education Law of April 1966 and the 1973 Union of Burma Education Law, which established the present single-track

'5-4-2 system' of education, — that is, five years primary (including one year kindergarten), four years middle school, and two years high school.

The institutional status of universities and colleges of higher education has been similarly codified in a series of laws, beginning with the 1920 University of Rangoon Act under the British. One of the main centres of nationalist protest against colonial rule, university departments and student numbers expanded rapidly following the introduction of free education in 1951, from 2,003 students in 1946 to over 13,000 by 1959.[9] Following in the political traditions of Aung San, U Nu and other student leaders of the 1930s, the campuses continued as a main focus of intellectual activity. This eventually led to a major confrontation between soldiers and students after Ne Win's seizure of power in 1962. Over one hundred students were reportedly killed in protests on Rangoon University campus in July 1962, which ended with troops blowing up the historic students' union building.

Occasional student protests broke out again before the student-led democracy uprising of 1988, notably in 1974 during the funeral of former UN Secretary-General U Thant. However, Burma's fast-growing student body was largely brought under strict central control by the 1964 University Education Act, and 1973 Union of Burma Education Act, under which universities were assigned the role of helping to build a socialist economy and society. Since 1988, Burma's socialist objectives have been dropped by the SLORC, but it is largely under these former BSPP laws that all Burma's institutes of higher education are still organized. A college system has been adopted, based around three main 'arts and science' universities: Rangoon, Mandalay and Moulmein. All come under the Ministry of Education, which has two directorates for tertiary education: Higher Education and Health Manpower.

Four medical colleges and seven other specialist institutes for subjects such as economics and technology have also been established under this structure, though critics maintain that one of the original purposes behind the separation of these new colleges from the universities was to break up Burma's restive student body. According to this argument, the trend towards keeping students away from the cities was continued in 1976-77 by the establishment of a countrywide network of 'regional colleges'. However, following widespread dissatisfaction over the level of the courses, these colleges have since been transformed into a system of institutions of

higher education which are affiliated, by region, to the three main universities today. Of these, seven have become 'degree colleges', offering four-year courses in non-specialist subjects, and the other eleven are 'two-year colleges', which teach foundation courses from which students can transfer to university.

The notion of 'home-study' was also further maintained by the introduction of a correspondence-course system in 1973. In July 1992, this system was formalized by the SLORC into the 'University of Distance Learning' with a new campus in Rangoon. As a result of the upheavals of the past six years, there are no current statistics available; but the importance of distance education was illustrated by the BSPP's last published figures for 1987-88, which showed that there were 104,687 students enrolled on correspondence courses as compared with 255,866 full-time students in universities and other institutes of higher education.[10]

Continuing Restrictions on Academic Freedom

Intense political pressures have been maintained on all educational institutions, lecturers and students since the SLORC came to power in 1988. Unknown numbers, including school students and teachers, were killed by the security forces in anti-BSPP protests during the short-lived democracy summer, and thousands of college students were arrested or went underground following the SLORC coup.[11] Despite repeated international condemnation, no independent investigation has ever been permitted into any of the events of 1988. Amongst student leaders still held in detention in early 1994 was Min Ko Naing (Paw U Tun), chairman of the All Burma Federation of Students Unions (ABFSU), who was arrested in 1989 and sentenced to fifteen years' imprisonment by military tribunal. In February 1994, Min Ko Naing and a number of other prominent political prisoners in Insein Jail were allowed visits by US Congressman Richardson, but concern continued to be expressed over the conditions of their detention, especially since several other detainees have died in prison amidst allegations of torture or ill-treatment. The best-known amongst these include the student activist Kyaw Myo Thant, workers' leader U Maung Ko, the ethnic Rakhine historian U Oo Tha Htun, and the popular chairman of Burma's Writers' Association U Ba Thaw (Maung Thawka).

Although martial law was officially lifted in 1992, the SLORC's

frequent recourse to other emergency security laws has continued to have a drastic effect on all rights of academic freedom, publishing and association.[12] All of Burma's universities and colleges were closed down by the authorities for most of 1988-90. Then, having briefly reopened in May 1991, they were again shut down for another nine months in December the same year after demonstrations broke out at Rangoon University during student celebrations at the award of the Nobel Peace Prize to Aung San Suu Kyi. Subsequently, ABFSU member Zaw Min and five fellow student activists were arrested and sentenced to jail terms of up to twenty years for their alleged involvement.

Schools have been similarly restricted. Troops were called out when primary schools reopened in June 1989. High schools did not open until the following September, and any hint of unrest has been clamped down upon. In April 1990, for example, 14-year-old Win Thein and two other eigth-grade schoolboys were sentenced to thirteen years' imprisonment by military tribunal for putting up anti-government posters at their school in North Okkalapa. One consequence of these constant closures and disruptions is a massive backlog of students with long delays in continuing or completing their studies. Among those still waiting to enter university in 1994 were students finishing high school as long ago as 1988.

However, it is undoubtedly teachers and lecturers who have come under the most constant scrutiny by the security forces. Hundreds of academics were dismissed or forced to take early retirement after the SLORC came to power, including Dr Chit Swe, the rector of Rangoon University, and Khin Maung Tint, director of the Institute of Education. A second purge of teachers was instituted under the SLORC's 'Cultural Revolution' by SLORC Decree No. 1/91 in April 1991, which banned all civil servants, including teachers, from taking part in politics. This was backed up by a 33-question survey which required all public personnel to respond on a broad range of topics, including Aung San Suu Kyi, communism and the CIA.

The campaign then reached its zenith in early 1992 in the aftermath of the Nobel Peace Prize demonstrations at Rangoon University. A decision appears to have been made to hold teachers accountable for the behaviour of their students. Since this time, virtually all the country's teachers, lecturers and doctors have been sent away on 're-education' classes run by the Military Intelligence Service at the BSPP's former training school at Phaunggyi. Here,

dressed in military uniforms, they daily have to pledge to be ready to give their lives for their country. The one-month courses consist of three major components: upholding 'national unity'; the promotion of 'patriotism'; and managing 'student affairs and the enforcement of rules and regulations'.

Reliable statistics are lacking, but officials in Rangoon privately estimate that in a twelve-month period between April 1991 and April 1992 over seven thousand teachers and several hundred university lecturers were fired. Many other teachers simply quit, joining the growing exodus of teachers leaving for economic reasons. A particular grievance is the new surveillance duties that teachers are required to perform in departmental 'security divisions' on campus. Typical security duties include watching stairs and corridors between classes and checking toilets after each break for graffiti.

Further accusations of a security motive have been made against the construction of a new university campus at the satellite new town of Dagon outside Rangoon. With poor transport links, access is difficult from Rangoon. However, critics point out, the site has the advantage of being controlled by just one security bridge across the river. To much press fanfare, over three thousand undergraduates began studying on the half-completed site in November 1993, with projections of another twelve thousand undergraduates to follow from Rangoon University by 1996.

Discrimination against Ethnic and Religious Minorities

Since 1988, ethnic politics in Burma have undergone another period of extraordinary turbulence. One of the most ethnically diverse countries in Asia, for much of the past four decades Burma has remained in a state of near continuous ethnic conflict as a diverse array of different ethnic minority groups have taken up arms against the central government for greater autonomy. In 1988 a number of these movements, notably the Karen National Union (KNU), were boosted by the arrival of thousands of students and democracy activists from the cities, as well as, later a group of members of parliament from Aung San Suu Kyi's NLD.

However, while the political deadlock between the SLORC and the NLD remained in the cities, a new change of tactics towards ending the civil war was employed by Burma's new military

leaders. Since 1989 ceasefire terms have been offered across the country, under which armed ethnic opposition groups are allowed to keep their arms and territory until Burma's future constitutional process is completed. By early 1994, the peace-talk process appeared to be meeting with growing success in a war-weary country, and ten of Burma's fifteen main insurgent groups had agreed ceasefire terms.

Serious political differences, however, remained on a wide array of issues, including the SLORC's National Convention and future educational reform. A major grievance is language, in a country where ethnic minorities make up an estimated third of the population. For many years organizations such as the KNU and Kachin Independence Organization (KIO) have run large networks of schools where they have kept their own languages alive. Similarly, recognizing Burma's cultural richness, the Ministry of Education claims that 'children should be taught how to cherish and preserve their national heritage'.[13] However, despite Burma's ethnic diversity, not one minority language is permitted to be used beyond fourth grade in government schools today. Not only is this a major impediment to the expression and development of minority cultures, but it also represents a considerable disadvantage to minority students who have to learn to compete in Burmese (as well as English) from their first day in school.

There are similar limitations on the research and study of minority cultures in higher education. Even writing and printing books in minority languages is a difficult process. All publishing in Burma is restricted by the 1962 Printers and Publishers Registration Law under which all books and printed materials have to pass before exhaustive censorship boards. Minority-language texts, however, have to pass the additional hurdle of translation into Burmese before they can be reviewed. Although in armed opposition territory underground presses still survive, the result has been a dramatic decline in legally published materials from the parliamentary era of the 1950s. Those who do protest have faced the threat of arrest. For example, in 1991 two Mon Buddhist monks, Nai Keythara and Nai Nawn Dho, and Nai Manawchrod, a Rangoon University lecturer, were arrested on what colleagues say were trumped-up charges for trying to promote usage of the Mon language. However, in what Mon leaders hope is an important sign of change, in 1993 Nai Keythara, who had reportedly received a seven-year sentence under the 1950 Emergency Provisions Act, was

released from jail. Furthermore, there are reports that from the beginning of 1994 Buddhist monks are once again being allowed to sit for their religious exams in the Mon language, the historic language by which Buddhism was introduced to Burma.

Another major concern is in the spread of educational opportunities. Under the BSPP, of Burma's seven ethnic minority states only the Mon State possessed a university, a status it did not attain until 1986. The other minority states were only granted regional colleges, with the exception of the Chin State, which was without any institution of higher education at all. Under the SLORC, the first real upgrade in levels has been promised. A higher-education college is being constructed in the Chin State, while both Myitkyina College in the Kachin State and Lashio College in the Shan State have been reclassified as 'degree colleges'. Teachers, however, say a massive investment in resources and material will be needed to elevate standards appreciably.

Many ethnic-minority parties argue that such financial neglect is typical of the discrimination they have long faced. This appears borne out by the government's own figures. Today ethnic-minority groups — notably the Chins, Karennis and Nagas — are firmly rooted to the bottom of all the country's educational league tables. For example, a ratio of over eight teachers per school in Rangoon contrasts with an average of just three teachers per school in ethnic-minority states and regions.[14] The one much-publicized exception is the Academy for the Development of National Groups. Set up in 1964 in the Sagaing Division to propagate the 'Burmese Way to Socialism' in ethnic minority areas, the Academy was reformed in May 1991 as a university run directly by the SLORC under Law No. 9/91. However, its academic credentials have been seriously questioned. Not only are students required to wear military uniforms, but critics maintain its main purpose is to train Burmese language teachers and promote a new 'Myanmar Buddhist' culture in minority areas.

For the moment, the outcome of the peace-talks process is impossible to predict. But with the ceasefire between the KIO and SLORC agreed in February 1994, expectations are high of a major restoration of minority rights. At the very least, many citizens are encouraged that the end to the war will see an end to the sufferings of many young people. Children predominate in refugee camps, and schools have often been destroyed in fighting. Human-rights abuses have also been committed by opposition groups; in particular, the

conscription of boy soldiers as young as 11 or 12 by groups such as the United Wa State Party have received increasing condemnation.

A further unclear issue is that of religious minorities. The population of Burma is over 80 per cent Buddhist, but there are also substantial Christian, Muslim and animist communities, most of whom are also ethnic minorities. Against a background of protest, in 1961 ex-prime minister U Nu tried unsuccessfully to make Buddhism Burma's official state religion. By contrast, under the BSPP, although the right of religious freedom was maintained in the 1974 constitution, all religions were equally strictly controlled. Under the SLORC, the picture has become more ambiguous. Dissident monks have been arrested, and there have been accusations of the confiscation or destruction of Christian and Muslim property in different parts of Burma, especially during the mass exodus of over 250,000 Muslim refugees from the Rakhine State into Bangladesh during 1991-92. Equally disturbing, in 1991-92 there were allegations of the extrajudicial execution of a number of Christian pastors in military reprisals during counterinsurgency operations in ethnic Karen and Karenni areas.[15]

However, in another important change in direction during 1993-94, during the ceasefire talks the SLORC began to allow noticeably more freedom to Christian organizations to operate, and for the first time allowed discussion of the role of Church groups in community and educational development. At the same time, the Ministry for Religious Affairs has announced the reopening in remote rural areas of primary schools in the monasteries, which were historically the main source of basic education for village children. Critics have argued that this is simply another method to ensure central control. In their defence, education officials counterclaim that such measures are in keeping with the spirit of the Jomtien Declaration of Education For All to encourage a multisectoral approach. Certainly in the field this initially seemed to be the case.

However, one minority group who continue to complain of discrimination in education are children of Chinese and Indian origin and other holders of Foreign Registration Cards (FRCs). Under Burma's tough 1982 Citizenship Law, full citizenship is confined to those who can prove ancestors resident in Burma before the first British annexation in 1824-25, which for many of the country's estimated 1.5-2 million Indians and Chinese inhabitants is nearly impossible. This discrimination appears quite deliberate. On

the basis of this law, holders of FRCs and their children are barred from many occupations, and under the Ministry of Education's 1980-81 regulations on university entrance, an applicant must be a 'Burmese national'. Moreover, even those Chinese and Indians who pass this obstacle complain that they are still barred from 'professional' subjects such as technology and medicine.

Discrimination against Women

In a country as ethnically and culturally diverse as Burma, there are considerable variations in the problems women face in education. However, one persistent problem women complain of is their difficulty in reaching senior positions in the academic hierarchy. This picture of discrimination stands in contrast to the high public profiles the country's two most famous female academics have achieved, the Oxford-educated Daw Aung San Suu Kyi, and Daw Ni Ni Myint, the wife of General Ne Win, who since 1988 has headed the Historical Research Commission at Rangoon University.

Nonetheless, women generally enjoy an equal chance of access to higher education in Burma today. According to recent figures, of the 106,656 full-time students at Burma's twenty-eight universities and institutes of higher education in 1991-92, 60,708 were females as opposed to only 45,948 males.[16] The same predominance of women continues in teaching jobs. For example, in 1987-88, the last year for which there are published statistics, of the 5,443 teaching staff there were 3,646 females against just 1,797 males.[17] These, however, are women generally from more privileged backgounds, who have managed to reach the top of the gruelling examination ladder. As the Ministry of Education now recognizes, the main problem lies in the spread of opportunity. Due to a combination of different causes, including poverty, the civil war and cultural differences the enrolment rates of females and males into primary school have declined markedly since near-parity figures in 1981-82. Although in most urban areas, parity rates are still reasonably equal, the decline has been most apparent in rural and ethnic-minority areas. For example, in the Rakhine State, where there is a substantial Muslim minority, female entrance rates to kindergarten had slipped by 1987 to three-quarters of that of boys even before the mass refugee exodus in 1991-92; while in the war-affected Karen and Kayah (Karenni) States, enrolment rates are only a little higher.[18]

Of equal concern is the problem of educational outreach to women in the most vulnerable sectors of society. In Burma women have traditionally performed one of the most stabilizing health and educational roles in family life, but there is increasing evidence in different parts of the country of women becoming the victims of poverty. A particular problem, for example, has developed in the Shan State where growing numbers of young women and girls are leaving school early to go into prostitution or seek other work in neighbouring Thailand. Anywhere between 40,000 and 100,000 young women from Burma are estimated to be working in prostitution today, with the largest concentration in the northern city of Chiang Mai, where rates of over 80 per cent HIV-infection have been recorded in the dangerous backstreet brothels. The worrying dimensions of this new problem were confirmed by one UNICEF study in the eastern Shan State which confirmed that in some communities around 20 per cent of females aged 15 to 25 were working in brothels in Thailand at any one time.[19]

The tragedy of these young women symbolizes the difficulties that all Burma's youngest people now face. Several hundred student refugees from the failed democracy uprising in 1988 are also still in exile in Thailand, while an estimated two thousand more remain under arms with different underground movements still inside Burma's borders. During early 1994, there were growing rumours of amnesties and political reconciliation. However, only when all Burma's young people and teachers, from every ethnic background, are able to resume their studies will a real peace have arrived.

Notes

1. Burma was renamed 'Myanmar Naing-Ngan' (Union of Burma) by the SLORC in June 1989. However, although used at the United Nations, the new title has yet to receive widespread colloquial usage. In particular, it is criticized by many ethnic-minority citizens as the historic name of the Burman majority for their country.
2. Jo Boyden, *Myanmar Children in Especially Difficult Circumstances*, UNICEF, Rangoon 1992, p. 22.

3. See UN Economic and Social Council, Report on the situation of human rights in Myanmar, prepared by Mr Yozo Yokota, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1992/58 (17 February 1993); and *Ibid.*, in accordance with Commission Resolution 1993/73 (16 February 1994).
4. See, for example, Amnesty International, *Myanmar: 'No Law At All'*, London 1992; Asia Watch, *Human Rights in Burma (Myanmar)*, New York 1990.
5. Ministry of Education/UNDP/UNESCO, *Education Sector Study: Phase 1, Final Report*, Myanmar Education Research Bureau 1992, p. 14.
6. For a more detailed history of the education system in Burma, see Martin Smith, *Burma (Myanmar)*, in World University Service, *Academic Freedom 2*, Zed Books, London 1993, pp. 21-32.
7. Ministry of Education/UNDP/UNESCO, *Education Sector Study*, pp. 20-1.
8. *New Light of Myanmar*, 2 April 1994.
9. Smith, *Burma (Myanmar)*, p. 30.
10. *Ibid.*, p. 34.
11. See, for example, M. Smith, *Burma: Insurgency and the Politics of Ethnicity*, Zed Books, London and New Jersey 1991, pp. 15-17.
12. See, for example, Article 19, *State of Fear: Censorship in Burma*, London 1991.
13. Ministry of Education, *Education and Culture in Myanmar*, Rangoon, August 1992, p. 4.
14. Ministry of Education/UNDP/UNESCO, *Education Sector Study*, Annex 2, Table 2.
15. Amnesty International, *Myanmar: 'No Law At All'*, pp. 23-5.
16. U Myo Nyunt, 'Higher Education', in *Unesco Education Sector Survey, 1990-92*, Rangoon 1992, Annex 2.
17. *Ibid.*, Annex 1.
18. Ministry of Education, *Education Sector Study*, p. 5 and Annex 2.
19. Boyden, *Myanmar Children*, p. 17.

8. Sri Lanka

Swarna Jayaweera

Introduction

Sri Lanka regained political independence in 1948 after 150 years of British colonial rule and a transitional stage in the 1930s and 1940s. The parliamentary form of government, based on the British 'model', adopted in 1948 was replaced after three decades by a presidential system of government that retained parliamentary institutions.

In the early years of decolonization, progressive social policies such as free education, health services and food subsidies were introduced to reduce socio-economic inequalities. Their impact is reflected in the relatively high social indicators of the 'quality of life' in Sri Lanka compared to many other economically developing countries. Regrettably, national divisions also surfaced during these years with increasing cleavages between the Sinhala-Buddhist majority, who form around 70 per cent of the population and who perceived themselves to have been disadvantaged under colonial rule, and the largest minority group, the Tamil population. Recurrent episodes of communal tension since the declaration of Sinhala as the official language in 1956, the imposition in the 1970s of district quotas in university admissions (envisaged as a measure of positive discrimination for disadvantaged districts), and the anti-Tamil riots of 1983, escalated into continuing ethnic conflict and violence in the mid-1980s.

Compounding and underlying these social problems are the economic constraints of a low-income country vulnerable to global pressures and unequal international economic relations. The colonial economy dependent on export crops did not change structurally after independence. Meanwhile falling world commodity prices from the late 1950s and consequent declining terms of trade resulted in slow economic growth for over two decades. The economy was unable to absorb the expanding labour force created by rapid population growth in the 1940s and 1950s; this led to a high incidence of unemployment, and particularly youth unemployment, since the late 1960s. A radical change from the virtually closed economy of the 1960 and 1970s to an open market economy since

1977 accelerated the rate of economic growth. However, high unemployment and hardships of poverty groups continued. The International Monetary Fund (IMF) and the World Bank imposed structural adjustment policies such as the reduction of social sector expenditure, producer and consumer subsidies, and privatization and deregulation of the labour market. Export-oriented policies have increased income disparities and adversely affected vulnerable poverty groups while expanding the manufacturing sector of the economy.

These contextual factors explain some of the recent developments in the country which have infringed upon the human rights of individuals and groups and eroded the principle of academic freedom. The earliest manifestation of organized youth unrest was the People's Liberation Front or Janatha Vimukthi Peramuna (JVP)-led youth insurgency of 1971, when large numbers of young people, empowered by access to education in their own language but alienated by the control of the economy and society by the English educated elite, took up arms against the state and were repressed.

The 1978 constitution guaranteed fundamental rights for the first time, but the dilution of the democratic processes of government in the 1980s, such as the substitution of a referendum for general elections and the spread of ethnic violence, resulted in a decade of horrendous conflict and civil war and unprecedented violations of human rights by all groups involved in the conflict.

Two Regional Evolutions

In the North and East, the most militant Tamil group, the Liberation Tigers of Tamil Eelam (LTTE), has waged open war against the state and other Tamil groups since 1983. The Indo-Sri Lanka Peace Accord and the intervention of the Indian Peace Keeping Force (IPKF) produced an escalation of violence until the withdrawal of the IPKF in 1990. LTTE negotiations with the state ceased in 1990; continuing violence by the LTTE and a virtual state of war has prevailed ever since. Bombings by the state military forces; massacres of Muslim and Sinhala villages and the police; killing of rival Tamil groups by the LTTE; LTTE control of all aspects of civil life and the numbers of people who have fled overseas from Jaffna or are internally displaced — all are manifestations of a situation in

which human rights are of no concern. At the recent local elections in the East, the existing government and pro-government Tamil groups emerged victorious, thus marginalizing the LTTE. The North, however, continues to be a war theatre.

In the South, student unrest over the issue of the Private Medical College was subsumed by the turbulence caused by opposition to the Indo-Sri Lanka Peace Accord spearheaded by the JVP in 1987. The murders of politicians, public servants and others earmarked for extermination by the JVP and the Patriotic People's Movement (DJV), as well as reprisals by the state and extrajudicial killings by paramilitary groups and 'private armies', led to over two years of executions, torture and disappearances of uncounted numbers of individuals. Violence escalated during the presidential elections at the end of 1988 and parliamentary elections in 1989, leading to near anarchy from mid-1989 until the end of the year when JVP leaders were captured, killed and their followers hunted. Violence diminished somewhat in 1990-92, but political instability continued in the South with abortive efforts to impeach the president. There was increasing political activity until the assassination of the president in May 1993.

The smooth succession of the new president and a decrease in tension have created a climate that is more conducive to the restoration of a normal situation. Nevertheless, the major instruments used to suppress human rights continue to be enforced with minor modifications — the Prevention of Terrorism Act, and the Indemnity Act which cover actions by security services. The regulations introduced in 1988 that permitted senior police officers to dispose of dead bodies rather than being required to hand them over to the families is no longer in operation. Some amendments have been made to the Emergency Regulations, but they are still used to derogate from normal laws. Press censorship has been reduced and there is wider access to media from different sources. The new government elected in August 1994 has formulated a liberal media policy and is proposing legislation to safeguard human rights. Arrests of suspected Tiger militants continue in the South and detainees are still held in large numbers, but the state has appointed specific committees as well as a Human Rights Task Force chaired by a retired judge to trace individuals who disappeared during the crisis years.

The Right to Education

Sri Lankan policy-makers introduced free primary, secondary and tertiary education in 1945 as a human and democratic right, and as an avenue to individual socio-economic advancement.[1] The change to teaching in the national languages, Sinhala and Tamil, and the establishment of an island-wide network of schools, facilitated access to education for all socio-economic strata. Rapid expansion in education in the 1950s and 1960s was followed, however, by a slackening pace in the 1970s and virtual stagnation in enrolment in the 1980s.

Educational expansion has been a response to social demand created by the high aspirations of most parents for the education of their sons and daughters. The constitution of Sri Lanka (1978) guarantees fundamental rights, and the Directives of State Policy enunciate the objective of 'the complete eradication of illiteracy and the right to universal and equal access to education at all levels'.[2] Compulsory education regulations, however, were never introduced despite the provision in Education Ordinance No. 31 of 1939 for enabling legislation to enforce compulsory attendance in schools. Eventually, compulsory education legislation for the 5-15 age group was drafted as a result of a recommendation by the National Education Commission. Sri Lanka has also ratified the UN Convention on the Rights of the Child (1989), including the right to compulsory and free education, and access to different forms of secondary education and higher education according to capacity, underscoring also respect for human rights, fundamental freedoms and cultural identity. Sri Lanka has also endorsed the World Declaration on Education for All (Jomtien, 1990) and its focus on universal access to basic education and promotion of continuing education, as well as the World Declaration on the Survival, Protection and Development of Children (New York, 1990), and has developed a plan of action to implement the provisions of these international documents.

As a consequence of the priority given to education, male and female literacy rates were 90.5 and 82.8 respectively at the last census in 1981. Educational participation rates in 1981 were 83.7 per cent for boys and 83.6 per cent for girls in the 5-14 age group; the combined totals were 85.9 per cent in the urban sector and 82.7 per cent in the rural sector.[3] Female participation rates were higher in the 15-19 age group: 42.2 per cent; and there have been more girls

than boys in senior secondary grades during the last two decades. It was estimated in 1991 that 88.3 per cent of boys and 87.4 per cent of girls between 5 and 14, and 37.5 per cent and 42.6 per cent respectively in the age group 15-19 were in school (School Census, 1991). Hence there is no evidence of gender discrimination in access to education.

The relatively high drop-out rates — 50 per cent surviving to Grade 9 — indicate that large numbers are denied the right to education for reasons of socio-economic deprivation. These people are concentrated chiefly in urban low-income neighbourhoods, remote villages and plantations. They are also visible in the existence of child labour and child prostitution. Regional disparities in the provision of educational facilities prevent equal educational opportunity, particularly at the senior secondary-education level, thereby denying equal access to higher education. Despite positive education policies, resource constraints caused by the reduction in education expenditure in recent years and poverty have bedevilled access to, and denied many of the benefits of education.

Access to Higher Education

Higher education in the modern education system in Sri Lanka began with the establishment of the Medical College in 1870 and the University College in 1921. (The latter institution was affiliated to the University of London and had no independent status.) In 1942, the first independent university in Sri Lanka was created by merging the two institutions. It had a student population of only 904, of whom 10 per cent were women.

In 1990, the universities, eight in number, had an enrolment of 31,447. The Open University, established in 1980, and eleven affiliated colleges created in 1992, have extended further opportunities for higher education. Some 44 per cent of the student population were women in 1970, and the proportion was around 40 per cent in the 1970s and 1980s. The social composition of the universities changed from that of elite, middle-class professionals in the 1950s to one in which around 70 per cent of students came from rural families, with a corresponding drastic reduction in the proportion of students from 'elite' families in the late 1960s and beyond.[4] Overall, however, only 2 to 3 per cent of the 20-24 age group are in universities — a microscopic educational elite, largely

due to the lack of places and facilities.

Entrance to universities is restricted through a highly competitive General Certificate of Education Advanced Level examination. Some 30 per cent of those who sit for the examination qualify for admission, and only 6 to 8 per cent are admitted. Hence, there is considerable frustration at the point of entry. Recognition of the existence of regional disparities in the provision of senior secondary education led to the introduction in the early 1970s of a (30 per cent) merit quota (presently 40 per cent) and district quotas on the basis of population. While these quotas enabled some students from educationally disadvantaged districts to enter universities, failure to improve educational facilities in these regions for over two decades has led to the perpetuation of quotas as well as inequalities in secondary-education facilities. The quotas have also had adverse consequences for students from educationally developed districts such as Colombo and Jaffna, particularly for Tamil youth from their northern home. The latter have sought university places overseas, but the perception of denial of opportunity for university education on the part of the Tamil youth has exacerbated ethnic tensions and fuelled resentment and conflict.

The right to higher education on the basis of ability is therefore only a theoretical notion. Within universities, unrest was generated by the uncertainties faced by students in a situation of massive unemployment. Recent trends in privatization have further reduced the employment opportunities of university students, especially for those whose limited English proficiency, because of their origin, has also limited their access to the private sector.

Outside the universities, institutional provisions are minimal at the tertiary level and are confined to a small number of students in the state technical colleges, in paraprofessional training courses in the public sector, and in private institutions preparing chiefly for law, accountancy and other such professions.

Academic Freedom

The concept of academic freedom was inbuilt in the first autonomous University of Ceylon established in 1942 on the model of British universities with their strong liberal traditions. Some of these traditions have been maintained over the years, while others have eroded with increasing state intervention and an inhospitable

climate created by violations of human rights in the external environment. Members of the academic community have largely maintained their right to teach without interference in the lecture room, and to undertake and publish research and establish contacts with the international community without censorship. In fact, the issue of the appropriate balance between such freedom and the maintenance of academic and professional standards has emerged in recent years. Academics have the right of association in unions. University teachers' unions have been active in bargaining on issues such as salaries, but are less outspoken on human-rights issues in the recent climate of fear. The movement 'University Teachers for Human Rights' (UTHR), which took an active role in protecting the human rights of students at considerable risk to themselves during the crisis years (1988-1990), disintegrated in the South because of death threats against its members from paramilitary groups and as a result of politicization and polarization. The movement in the North has survived in a repressive and threatening environment by operating from the South.

Members of the academic community are appointed on merit, but their career advancement has sometimes been adversely affected by external control of key personnel — for example, vice-chancellors — since 1966. Controversies have arisen over procedures for dismissal and promotion as in the recent past. Members of the academic community have complained to the Labour Tribunal and to courts, including the Supreme Court, which are presumably isolated from the pressures that exist within universities; however, these are time-consuming and expensive procedures. More importantly, both academic freedom and the right to life have been negated by the violence, particularly in 1987–89, which saw the detention, disappearance and flight of academic staff, and indeed killings of members of the academic community, including two vice-chancellors, reportedly by paramilitary groups and the JVP. The vulnerability of members of the academic community to political and student violence continues, although the external environment has improved over the last year.

Rights of students

The freedoms of expression and of association for students were jettisoned in the 1980s in the interests of public security: student unions were banned in 1983, abolished in 1985 and were permitted again only in the 1990s. Student unions, protests and

countermeasures by the authorities have been characteristic of university life in Sri Lanka for several decades; and in a context in which university student politics have tended to be a microcosm of national politics, student elections have even had the flavour of mini general elections. Student protests against the privatization of higher education led to a reversal of government policy and the nationalization of the Private Medical College at the end of the 1980s.

Meanwhile, universities were engulfed in the political violence in the South in 1987-89. Conflicts between the state and the students in the Inter University Students' Federation (IUSF), which had ties with the JVP, as well as clashes between rival student groups, as in the case of the IUSF and the Independent Students' Union (ISU) at the University of Colombo, resulted in arrests, detention, disappearance and the killing of students by paramilitary groups. A 'Students for Human Rights' group was also active during this period. In the North, the virtual control of the LTTE over education and intellectual life has destroyed the traditions of academic freedom, but some members of the academic community belonging to University Teachers for Human Rights in Jaffna have endeavoured to keep this freedom alive in their publications, for which one of them paid the price of her life.[5]

Universities were closed for nearly three years beginning in 1987, and consequently none of the students who qualified annually for admission since 1986 were able to enter the universities until the 1990s. When the universities reopened in January 1990, strict conditions were imposed, such as the requirement of prior permission for meetings and demonstrations. The volume of violence and threats to life have diminished, but conflicts have continued in the 1990s between student factions, such as those between the Jathika Chinthanaya (national) group and its opponents, which have led to the provisional closure of a university and individual faculties in the last two years. Intolerance of opposing views instead of acceptance of diversity jeopardizes academic freedom in universities. Conflict between the state and the university authorities continued in the 1990s over the vestiges of the Private Medical college, the Affiliated University Colleges, and increasingly over inadequate hostel and other facilities.

In Sri Lanka in the 1970s, student representatives participated in meetings of faculties and higher bodies. With the banning of student unions in 1983, this right was denied to students. Student

representation in faculties has been restored in the last two years and other mechanisms of student consultation instituted. Tension, survives, however, and erupts into overt conflict on occasion.

University Autonomy

The first independent university established in 1942 (Act No. 20 of 1942) had all the features of institutional autonomy found in the British universities on which it was modelled. Despite its total dependence on the state for funds, it was a self-governing institution, free from state control, partly as it had co-opted national leaders into its management bodies. Public criticism was soon rife as the university was seen to be an 'ivory tower', an alien institution, hostile to the social transformation that was taking place in the contemporary political and social milieu.[6] The erosion of its autonomy in order to bring it into line with major national policies, such as the change in the language of instruction, began in the mid-1960s after a period of rapid expansion. The 1942 Act was replaced and the Higher Education Act No. 20 of 1966, for the first time, gave the minister of education responsibility for the general direction of higher education and the power to issue written directions to the new structure — the National Council for Higher Education (NCHE) — created for the purpose of controlling expenditure on higher education, regulating academic standards, administrating universities and coordinating higher education with national needs. The major impacts were on student admissions and on the appointment of key personnel in the university system. Further erosion of university autonomy took place in 1972[7] with the incorporation of the six universities into a highly centralized, monolithic structure — the one-University concept — with power to restructure all university courses and control the criteria for university admissions, appointments to key executive posts, the language of instruction, and the pattern of development of human and material resources.

The University Act No. 16 of 1978 had as its stated objective the restoration of the individual universities, as well as academic freedom and university autonomy. The means established for this purpose was the University Grants Commission (UGC), based on the model of the University Grants Committees established in the United Kingdom in 1918. The UGC was to protect the universities

from political interference and to mediate between the state and the universities. Its functions are to plan and coordinate university education, disburse the block grant allocated by parliament to the universities, manage student admissions, and regulate academic development through its statutory committees on which members of the academic staff of universities are represented. The corporate plans of the universities are developed with input from individual university development plans.

Appointments of vice-chancellors are made by the head of state on the recommendations of the UGC. The UGC itself is appointed by the head of state and is vulnerable to political pressures — as reflected in the arbitrary dismissal of the last UGC before its term of office was completed. The political power structure — the cabinet of ministers — makes decisions through the UGC on university places. The creation of a Ministry of Higher Education in 1978, and under it a Ministry for University Affairs in 1989, has created new layers of control, or, at the least, more external pressures on university autonomy.

The current degree of university autonomy is thus a far cry from the situation in the halcyon days of the period 1942 to 1966. The universities are more responsive to social needs — although the conflict between 'excellence' and 'relevance' has yet to be resolved — and are financially accountable to parliament. They have, however, lost their capacity to protect the academic freedom of their staff and students, as was shown earlier. As public institutions, they are exposed to political pressures and violence; and as universities, they are vulnerable to student pressures and violence. The elements of university autonomy that have survived almost unscathed are the freedom to conduct teaching, examinations and research, to develop courses and to select academic staff (with the exception of vice-chancellors), and the relatively greater freedom of expression than is found elsewhere in the public sector, although this freedom was negated by death threats from 1987 to 1993 and still tends to be contained by the legacy of fear.

Measures that Promote and Protect Academic Freedom

The universities of Sri Lanka are currently emerging from an era of extreme violence and are still subject to constant stress by forces from the academic and politico-social environment, such as the

continuing use of instruments to suppress human rights — the Prevention of Terrorism Act and the Indemnity Act. Two strategies that are in operation now are remedial actions to restore human rights to victims of the abuses of the past, and efforts to reactivate the vestiges of academic freedom that have survived through creating awareness of human rights.

In the 1990s, three specific committees were appointed to examine the situation of the thousands of detainees in prisons and rehabilitation camps, among whom are a large number of university students. A more permanent mechanism is the Human Rights Task Force chaired by a retired member of the judiciary. This Task Force is engaged in responding to complaints relating to individuals in the different camps and arranging for their release, when feasible. It is reported that some of them have indeed been identified and released. In view of the magnitude of the task, however, the impact of this programme is still limited. Within the universities, mechanisms for conflict resolution are virtually nonexistent. In the context of the interstudent rivalries and conflicts that disrupt the smooth functioning of universities, the absence of mediation boards, professionally trained counsellors and ombudsmen are important gaps in the provision of facilities and support programmes.

One significant development has been the establishment, in 1991, of the Centre for the Study of Human Rights (CSHR) in the Faculty of Law in the University of Colombo. Its aim is to promote awareness of human rights within the universities and in the wider community. Among its research projects have been studies on the impact of emergency regulations and on detainees. Recommendations based on these studies have had some response from the state.

It is heartening to note that UTHR Jaffna, despite the danger to individuals' lives, are continuing to resist the suppression of human rights and academic freedom by publishing their reports. To date they have produced over 150 reports on human-rights violations.

It is not yet clear how effective these measures will be in promoting a more positive social climate for academic freedom and human rights. In a politically volatile and changing society such as in Sri Lanka, it is inevitable that political, ethnic and class divisions will continue to obtrude on the academic environment. The erosion of academic freedom and university autonomy in less turbulent decades by social and state pressures, and the absence of

mechanisms to strengthen university autonomy and to minimize conflict, indicate that universities are likely to continue to be vulnerable to internal and external pressures on their autonomy.

Notes

1. Sessional Paper XXIV, 1943. *Report of the Special Committee on Education*, Ceylon Government Press.
2. Constitution of Sri Lanka, 1978, Art. 27 (2) h.
3. Ministry of Education, Annual School Census, 1981.
4. Strauss Murray, 'Family Characteristics and Occupational Choice of University Entrants', *University of Ceylon Review*, 1951, Vol. IX, No. 2. Uswatte-Aratchi G., 'University Admissions in Ceylon', *Modern Asia Studies*, Great Britain, 1988, Vol. 8, No. 3. S. Jayaweera, 'Access to University Education – The Social Composition of University Entrants', *University of Colombo Review*, 1984, Vol. 4.
5. Rajini Thiranagama et al, 1990, *The Broken Palmyrah*.
6. Sessional Paper XXIII, 1959, *Report of the Ceylon University Commission* (Needham Report), Ceylon Government Press.
7. University Ordinances, Sri Lanka, 1972, University Act No. 1.

9. Tibet

John Billington

Background

In April 1949 the Chinese Nationalist government collapsed, and on 1 October, in Peking, the People's Republic of China (PRC) was inaugurated. In October 1949 Radio Peking declared Tibet a part of China and stated that the People's Liberation Army (PLA) would shortly march into Tibet to liberate the country from foreign imperialists. One year later, on 7 October 1950, some 35-50,000 troops of the PLA launched an attack on Chamdo, the regional capital of the Kham area of eastern Tibet. The tiny Tibetan army put up a brave resistance but was overwhelmed. After a pause, presumably to test world reaction, the PLA moved westwards to Lhasa where they assumed control.[1] In 1965 the old areas of Tibet were renamed the Tibet Autonomous Region (TAR).

During the early years of Tibet's annexation, the Communist authorities attempted to win over the Tibetans by persuasion and indoctrination, but when this failed and guerrilla resistance continued more ruthless methods were adopted. In 1959, after an abortive uprising, the Dalai Lama fled to India and some 100,000 Tibetans followed him into exile. The atrocities committed by the Chinese on the Tibetans are now fairly well known.

As early as 1959 the International Commission of Jurists (ICJ) had concluded that Tibet was 'at the very least a de facto independent state when the Seventeen-Point Agreement was signed [in 1951]. From 1913 to 1950 foreign relations were conducted exclusively by the government of Tibet and countries with whom Tibet had foreign relations are shown by official documents to have treated Tibet in practice as an independent state.' The ICJ also found the Communist Chinese guilty of genocide: 'Genocide is the gravest crime known to the law of nations . . . It is submitted, with a full appreciation of the gravity of this accusation, that the evidence points at least to a prima facie case of genocide against the People's Republic of China. . . A summary of the rights denied to Tibetans points to a denial of almost everything that contributes to the dignity of man.' The ICJ report goes on: 'The Tibetans were not allowed to participate in the cultural life of their own community,

a culture which the Chinese have set out to destroy.'[2]

Tibet had made the grave mistake of not ensuring international recognition for itself; and if little was known about Tibet in 1959, even less was heard for the next twenty-eight years. The only news escaping from Tibet was filtered through the Chinese media. With the opening up of Tibet to tourism in the mid-1980s, many thousands of ordinary travellers were able to understand what a handful of specialists had been claiming for years, namely, that Tibet and its culture had been virtually destroyed.

An International Consultation on Tibet meeting in London in July 1990 was uncompromising in its declaration, condemning China's colonial policy since the invasion in 1950, especially 'the continuing violation of human rights including killings, torture and political imprisonment and practices amounting to cultural genocide'.[3] On 23 May 1991 the US House of Representatives passed a resolution which concluded: 'That it is the sense of Congress that Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu and Qinghai, is an occupied country under the established principles of international law whose true representatives are the Dalai Lama and the Tibetan government in exile as recognized by the Tibetan people.' The Chinese, with a racial arrogance that is regrettable, to say the least, have always considered the Tibetans to be 'barbarians' and backward. After more than forty years of rule from Peking, Tibetans inside Tibet are not only immeasurably backward in their development in relation to other parts of China, but are much more backward than their fellow countrymen in India who have been free to receive education in their own tradition. This, alone, is a damning indictment of Chinese educational policy in Tibet.

The Policy of Sinicization

'In the whole of this newly administered territory, the Chinese were trying to force their nationality on the people. Everyone was obliged to adopt a Chinese name . . . It was hoped that, by using these names and the Chinese language in the courts and in official business generally, Tibetan would gradually be supplanted by Chinese. Chinese place-names were also substituted for the Tibetan names . . .', wrote Colonel F.M. Bailey, British Political Officer who travelled widely in Tibet, of Chinese policy in eastern Tibet in 1911.

The deliberate — even fanatical — policy of Sinicization which Bailey noted in 1911 has not changed. There is an assumption on the part of the Chinese that theirs is a superior civilization. All place names in Tibet have been Sinicized and are therefore often unrecognizable. In the TAR, at post offices, banks, in stores and wherever official business is transacted, Tibetan is of no use: it will not even be understood by the people who attend to you, who will speak only in Chinese. Native Chinese speakers consider it beneath their dignity to learn the language of 'barbarians': thus, Professor E.L. Luttwak who visited Tibet in 1977 noted, Chinese officials who had been in Tibet since 1960 did not even know how to say 'please' and 'thank you' in Tibetan. Professor Luttwak noted:

> Unlike the British in India . . . the Chinese can obviously see no virtue in the survival of local cultures and still less in the survival of local religion. Chinese colonialism is therefore oppressive not merely politically, but culturally. Thus, in Tibet it was clear that the literacy promoted by the regime was in Chinese and not in Tibetan. In the surprisingly large number of books we found in Lhasa, all the books were in Chinese, except for the Little Red Book of Mao's select quotations.[4]

A year later, the writer of this chapter counted 408 different magazines for sale in Chinese in Lhasa's second-largest bookshop; there was one magazine in Tibetan. A breakdown of the categories revealed the largest proportion of Chinese magazines to be of the 'girlie' variety, followed by fantasy/adventure, sport and current affairs. The solitary magazine in Tibetan was religious and cultural in content. There was no popular reading in Tibetan.

The monasteries and nunneries of Tibet have traditionally been the great centres of learning and the custodians of Tibet's culture, which is essentially a religious, Buddhist culture. All religious institutions in Tibet are closely controlled by the Chinese, who have a special department to oversee and control religious activity. Tourists may see a few monks in monasteries now; but the transmission of dharma, the teachings of Buddhism, is severely limited. A very small number of monasteries are now being restored, but it needs to be remembered that the Chinese destroyed over six thousand monasteries in Tibet — almost all, in other words. Tibet's oldest building and therefore a cultural artefact of great significance to Tibetans, the seventh century Yumbulagang, was also

destroyed, though a replica was constructed in 1982. Every *dzong* or administrative centre in Tibet with the sole exception of the one at Gyantse was razed to the ground, as was the chief medical college on Chakpori (hill) opposite the Potala in Lhasa. It is hard to comprehend the scale of deliberate cultural destruction in Tibet.

Origins of the Education System

'In the holy place of Lhasa is that unholy English school'.
Popular Tibetan verse

According to Hugh Richardson, head of the British Mission in Lhasa between 1941 and 1950, 'the ability to read and write is fairly widespread.' Tibet has an extraordinarily rich literature, and the three famous monastic universities of Drepung, Sera and Ganden produced scholars who could match those of any university in the world. This was before the Chinese invasion. The same could not be said now.

Before 1950, education in Tibet occurred largely in the thousands of monasteries, where monks taught reading and writing and the memorizing of scriptures. Education was thus available to all, including the children of nomads and peasant farmers, although in many cases parents were reluctant for their children to give up time for what conferred little or no benefit. Secular schools existed in towns, and private tutoring could occur anywhere in exchange for a small fee, food or clothing material. In the late 1940s the number of lay schools in Lhasa varied between ten and thirteen. Education was also available for girls, though most left school at around the age of 12. The Narong Shar school (near the Jokhang), for instance, had about 200 pupils, about 30 being the children of the well-to-do, some 50 being their servants, and about 120 coming from the merchant or artisan class. Teachers were highly respected; indeed, and the main incentive to becoming a teacher was the high respect and honour conferred on the profession. The school regime was tough, pupils having to attend seven days a week (except for holidays on the 15th and 30th of each month, and three weeks holiday at the New Year); tests were held twice a month (before the two monthly holidays) and there was an annual examination before the New Year. Discipline was strict; a pupil monitor would hover at the back of a class to catch inattentive pupils (a method still in

practice in the refugee schools in Darjeeling in the 1960s), and parents authorized the teacher to administer punishment.

At the suggestion of Sir Charles Bell, four Tibetan boys, destined for government service, were sent to Rugby, a famous British boarding school in 1923. During the same period an English School was established by Frank Ludlow at Gyantse, but closed after two years because of opposition from conservative monks. After 1933, the year of the death of the thirteenth Dalai Lama, the children of well-to-do Tibetans were sent for Western-style education to schools like St Joseph's or Mount Hermon in Darjeeling, and quite large numbers of Tibetan children continued at these schools in the late 1950s and early 1960s. The benefits of this sort of schooling were so obvious that the Tibetan government sanctioned the setting up of an English School in Lhasa in 1944, but its closure was unfortunately speedily brought about by monastic conservatism again — in this case by the Abbot of Drepung — because it was feared that the school would pose a threat to the religious views of its pupils.

The Chinese established some schools in 1952 and Tibetan teachers at that time were still well qualified (lay or monk government officials). By 1953 they had set up Socialist Schools, with Tibetan and Chinese teachers: Chinese language and literature were introduced and there was a lot of singing of propaganda songs and weekly political lectures. By 1954-55 the regime had become more harsh. The Chinese set out to eradicate Tibetan culture and language and to replace it with Chinese culture and history by forced indoctrination, propaganda, and the enforced transfer of large numbers of Tibetan children to schools in China.

Tibet had over six thousand monasteries before 1950, and records were kept very efficiently by the government in Lhasa. By the end of the Cultural Revolution all except thirteen of these had been destroyed. Since the monasteries functioned as schools and the monks were a significant proportion of the teachers, the effect of this on Tibetan education can be imagined. After the abortive uprising of 1959 the great monastic universities of Drepung, Sera and Ganden were closed soon after Tibetan exiles re-created them in India. Twenty-six years were to pass before the Chinese replaced these three monastic universities with one secular university: the University of Tibet was founded in 1985, thirty-five years after the Chinese takeover.

The 1980 Report of the Dalai Lama's Third Educational Delegation to Tibet, by Mrs Pema Gyalpo, director of the Tibetan Children Village (TCV), Dharamsala, refers to Chinese claims that the number of schools had increased 300-fold, but expresses its concern about the low standard of education, which had 'declined into a shameful and pitiful state'. Obstructions were frequently put in the way of delegations visiting schools, and schools were often found closed, being used for other purposes, or flagrantly specially set up for her visit. Nevertheless the mission visited 85 schools, 16 of which taught no Tibetan at all and 8 only after primary level. A majority of pupils and teachers were Chinese: that is, of the 39,844 students in these schools, only 17,660 (40 per cent) were Tibetan. Of the 2,979 teachers, only 1,024 (30 per cent) were Tibetan. By 1979, China had sent 55,000 students abroad for higher/specialist education; not one of these was Tibetan. In 1982, there were 8,000 Chinese students receiving higher education in the USA (including 8 from Inner Mongolia), but not one Tibetan had been allowed to study in the West. Of 600 students from the TAR sent for higher education within China, only 60 were Tibetans. In this respect the situation in Kham and Amdo, eastern provinces inhabited by Tibetans but already under Chinese control in 1950, was reportedly worse.

The Chinese authorities were unable to produce a single Tibetan graduate for the Third Delegation in 1980; in the same year TCV in Dharamsala sent seventeen students to Indian universities. In 1982, sixty Tibetan students from refugee settlements in India were sent to the USA for higher training, and several times that number to other Western countries. The inequality of opportunity for higher education within Tibet is obvious, as is the enormous disparity between educational opportunities for Tibetans in Tibet as compared with opportunities for Tibetans in India.[5]

Access to Education

The UN Declaration of The Rights of the Child (1959) includes the following clause:

> The child is entitled to receive education which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and

> enable him on a basis of equal opportunity to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

These conditions are certainly not being fulfilled in Tibet, where a large proportion of children do not have access to education; where education does not promote the child's native culture; and where equal opportunity does not exist for the Tibetan child.

The 1988 General Survey of Tibet (Peking) states that the Tibet Autonomous Region (TAR) 'may handle independent problems in education, science, culture, public health and physical culture in Tibet'. This is not being fulfilled either: the syllabus is dictated from Peking; indigenous culture is not promoted; and what science is taught is available largely only through the medium of Chinese. Classes are large and may contain between forty and sixty children. The literacy rate for Tibet in 1986 was given officially as 31.8 per cent — just over half the rate of the next lowest literacy rate for any province in China; 68.2 per cent of Tibetans are therefore illiterate.

According to official Chinese figures there were just over 2,300 primary schools, 66 middle schools, 14 vocational schools and 3 institutions of higher education in 1986 in the TAR. The principal problem for Tibetans is access to these educational institutions. Chinese statistics show that, while in primary school Tibetans constitute 90 per cent of the total number of students, in middle school they hold only 65 per cent of the places, and in university and other institutions of higher education 66 per cent. It follows from this that the children of Chinese immigrants, who officially constitute only 3.7 per cent of the population of the TAR, hold 35 per cent of the places at middle school and 34 per cent of places in higher education.

Table 8.1
Students educated in the Tibet Autonomous Region (TAR), 1986

	Total no. of students	No. of Tibetan students	% Tibetan students
Primary level	121,000	109,000	90
Middle/Secondary	21,950	14,200	65
Vocational	3,060	2,130	70
Tertiary level	2,860	1,900	66

Source: Jing Wei, *100 Questions about Tibet*, Beijing 1989, pp. 42-3.

Tibetans who sit for middle school and university entrance exams in Chinese may appear at first sight to be marginally favoured, in that they require 10 per cent lower marks than their Chinese counterparts. However, Tibetans are taking their exams in what is for them a second language and they come from schools where the quality of teachers is much lower than that enjoyed by Chinese children. Moreover, by all accounts the most decisive factor in securing a place at higher education is not qualifications alone, but *guanxi*. The system of *guanxi*, which is common throughout China, is based on influence, contacts, use of relatives or friends. It was not found in Tibet. Since the decision-makers are Chinese, it is obvious that Chinese parents can play the system with a success denied to Tibetans. What applies to opportunities for education applies equally to opportunities for jobs – the Chinese win every time.[6]

Children of Chinese-government sponsored workers in Tibet are guaranteed places in good schools as 'compensation' for the 'hardship posting' to Tibet. Government cadres, both Tibetan and Chinese, can secure places for their children ahead of the average Tibetan irrespective of qualification. Tibetans report that the system of *guanxi* also results in the 'Chinese streams', or the classes where Chinese pupils dominate, having the best teachers.

In the middle schools, students must choose to study either in the 'Tibetan stream' (*Ch:Zang su ban*) or in the 'Chinese stream' (*Ch:Han zu ban*). Although the subjects are the same, there is one important difference: in the 'Tibetan' stream students study Tibetan and Chinese but not English while in the 'Chinese' stream they study Chinese and English but not Tibetan. English is an important component of the university entrance exam and is essential for science and technology-based subjects.

Middle Schools

Between 5 and 10 per cent of Tibetan children continue their education beyond primary level, depending on which statistics you accept. Here the going is even harder for Tibetan children: 'Except for the Tibetan language classes, all courses are taught mainly in Chinese in Middle and High schools.'[7]

The subjects of science, maths and English are invariably taught entirely in Chinese, and mostly by Chinese teachers. According to official statistics, of 1,700 teachers working in secondary schools in the TAR in 1986, only 37.8 per cent were Tibetan.

Because of the language difficulties (Tibetan children must learn specialized vocabularies before they can make any progress) Tibetans and Chinese are segregated; Tibetan classes drop behind and may not finish the syllabus required for the exam (in Chinese) at the end of the course. Of the 5 to 10 per cent of Tibetan children who start a secondary course, only one third complete it. The majority of Tibetan children (that is, those who are not privileged sons or daughters of Party officials) are not permitted to study English. Instead they must learn Chinese, with Tibetan as their second language. (Chinese pupils, of course, take English as their second language.) In effect, this prevents Tibetan students from applying to study at the better universities in China; it makes it impossible for them to study science subjects at university; and it further handicaps their job prospects in relative to Chinese students.

It is worth quoting here the words of the late Panchen Lama, long thought to be a stooge of his Chinese masters. In a passionate and courageous speech on 28 March 1987, he addressed the sub-committee of the National People's Congress in Beijing. Among other things, he said:

> A few schools have been established in Tibet. But the quality of education in these schools is very poor . . . Now consider the educational disparity between the Tibetan and Chinese students. Whereas the Chinese students must get an aggregate of 250 points to pass their examinations, the Tibetans need to earn only 100 points. But the number of Chinese students passing the examination is much higher than that of Tibetans. This is because of the language barrier suffered by Tibetans. I have personally experienced this. Although I can speak Chinese, I frequently make big mistakes. This is because

> Chinese is not my mother tongue. I can never hope to compete with the Chinese as far as the Chinese language is concerned . . . I think it is very important for people of every nationality to learn and use their own language. The Central Government has frequently talked about the importance of learning and using the Tibetan language in Tibet. But it has done nothing to ensure its implementation . . . Last year, when I went abroad for a visit, I could not find anyone capable of translating between Tibetan and English. Therefore I had to use a Chinese translator and speak in Chinese. This must have given a very poor impression to the outsiders. This fact proves how poor is the standard of education in Tibet. . . In the whole of the Tibet Autonomous Region, no one has been able to translate Physics books into Tibetan. What are the authorities in TAR doing? Ninety-five per cent of Tibetans do not speak or understand Chinese.

Tertiary Level

The University of Tibet in Lhasa was set up in 1985, twenty-six years after the three great monastic universities had been destroyed. The entry qualifications for the few Tibetans who get anywhere near qualifying is 10 per cent fewer marks than Chinese students (180 points instead of 200): this is intended to compensate for the difficulty of qualifying in Chinese. In practice, as mentioned earlier, the system of *guanxi* ensures that most places go to Chinese students, whether from the TAR or from China proper. Moreover, since most of the courses are entirely in the medium of Chinese, Tibetans are at a permanent disadvantage.

In this context the Tibetans are generally encouraged to go in for those areas of study in which the Chinese are not interested, namely Tibetan studies and Tibetan medicine. However, the study of Tibetan culture and history is hampered by the need to adhere to the accepted Chinese view of Tibetan history.

At Tibet University only 44 per cent of the students are Tibetan; 56 per cent are Chinese, although as mentioned before, Chinese officially constitute only 3.7 per cent of the population. Only 27.3 per cent of university teachers in the TAR are Tibetan according to the Chinese Statistical Year Book (1986). With generous funding from the British Council and much expensive new equipment, an English Language Faculty was set up with the aim of training Tibetans to teach English. The accounts by the various

expatriate English teachers who have tried to help run the courses make depressing reading: inertia, bureaucracy and a rapid turnover of staff (in 1987 there were three heads of department), who could not be bothered to learn to use the equipment, made for little progress. The one Tibetan teacher had to teach English through the medium of Chinese, since this is the medium of instruction and the language in which English textbooks are written. The figures for the intake of the English Department between 1988 and 1991 are as follows:

Table 8.2
Intake of English language faculty, Tibet University, 1988-91

Year of graduation	Chinese students		Tibetan students		Half Tibetan/ half Chinese students	
	no.	%	no.	%	no.	%
1988	12	74	2	13	2	13
1989	0		20	83	4	17
1990	11	52	8	38	2	10
1991	33	82	7	18	0	
Total	56		37		8	

Source: Jane Peek, *Discrimination in Education in Lhasa.*

At Tibet University in Lhasa lower marks are required for admission than at any other university in the PRC. Ostensibly this may appear to make some allowance for the low achievement of Tibetan students, but in practice it means that less-qualified Chinese students who are not resident in the TAR apply to study at Tibet University and thus reduce the places available for Tibetans.

In contrast to the many thousands of Chinese students who are sent abroad to study each year, fewer than half a dozen Tibetan students have been granted this privilege.

The magazine *Bod-jong Lob-so*, published in the TAR in Tibetan, which appears to give the Party line, is scathing in its criticism of educational provision in Tibet: 'In Tibet, the standard of education in primary and middle schools is poor: and that at the higher level can best be described by the proverb: "You must eat, even if there

is nothing to eat" . . . Due to the bad influence of corrupt ideology, education . . . has long been neglected.'[8]

The same article points out that, of the 2,450 primary schools, only 451 had been established by the government: the remainder were run by local people and were 'neither well-established nor well run'. The article states that only 45 per cent of children of school age actually attend primary school;[9] and only 10.96 per cent go on to attend middle school:[10] 'In short, 55 per cent of children of school-going age have no educational facilities whatsoever, and 89.04 per cent of children attending primary school have no opportunity to go on to middle school. We are surprised and alarmed by these statistics.' The article expresses concern for Tibet's future economic development because of the lack of adequately educated people:

> People will be surprised to find that an increasing number of Tibetans are ignorant of science. It will be increasingly difficult to find appropriately educated Tibetans to work in economic development and construction, and in scientific and medical fields . . . A heavy 'leftist' influence has obstructed educational reform, and the establishment of government schools has been neglected . . . More serious than this, the importance of education is still not given due recognition.

With a vast territory and sparse population, Tibet has poor communications and a weak educational infrastructure. A large proportion of Tibetans are nomads and consequently scattered and mobile:

> The worst defects of the educational system in Tibet are seen in the agricultural and nomadic areas. Research conducted in this field found that 60 per cent of the Tibetan population is illiterate or semi-literate . . . Even today, up to 90 per cent of the children of farmers and nomads do not have the opportunity to study beyond higher-primary level . . . This has a direct bearing on productivity and economic development.

Quality of Education

Tibetan children are educated separately from the children of Chinese officials and immigrants. The quality and level of education in the Chinese schools is much higher than that in Tibetan schools and consequently Chinese children make faster progress. As a result Tibetan children are considered 'stupid' and 'backward'. An exception to the segregation rule are the children of Tibetan officials, who go to the same school as the Chinese children. These children, like their parents, invariably speak and write Chinese better than they speak and write their own language. Since all school-qualifying exams are in Chinese, Chinese speakers have an obvious advantage. Since jobs also go with the ability to speak Chinese there is a positive disincentive to learn Tibetan. Reporting on the Sinicization that is being pursued inside Tibet with greater vigour than ever, Sherab Gyatso (project director of the Education Development and Resource Centre in Dharamsala) claims:

> Except in a few big towns and monasteries, the language is increasingly being corrupted and replaced by Chinese. The situation is especially pathetic in eastern and south-eastern Tibet [that is, Amdo and Kham, the Tibetan provinces bordering China] where a majority of Tibetans now communicate in Chinese, even at home . . . It is said that local Tibetans in such areas have to go on horseback for days to locate somebody who can read and translate letters in Tibetan for them.'[11]

Wherever you go in Tibet and at whatever time of year, large numbers of children of school age can be seen working in the fields or as herders or gatherers of yak-dung fuel. Enquiry reveals that there is no school for them to attend. Tibetan parents are keen for their children to do well, and in the towns you can find parent-teacher meetings eagerly attended. But for many such opportunities do not exist.

Where state-run schools exist the Chinese lay down what is studied and pay the salaries. The textbooks, including the ones in Tibetan, are produced in Peking. It was not until 1979 that school textbooks began to be translated into Tibetan for use at primary level. Books are free in state-run schools and, since the 1984 Law on Regional Autonomy for National Minorities, children pay no fees.

This is not the case, of course, at the schools set up by parents. Also since 1984, much of the unpopular Chinese propaganda has been toned down and there is greater emphasis on the Tibetan language. But history education is, of course, still completely China-centred, and references to Tibetan culture and history are dismissive. Moreover, the ascendancy of Chinese remains unquestioned: 'In upper levels of elementary schools and in Middle schools, the Chinese language curriculum should be instituted to spread the common language used by the entire nation.'[12]

Party control in schools

As China has become increasingly worried at the sympathy Tibetans are gaining worldwide, it has stepped up its determination to indoctrinate its own Party line. Party leaders in Tibet began a drive to increase political control, including over the content of education, at a meeting in Lhasa on 19 July 1990. 'If socialism does not dominate schools, capitalism is bound to dominate schools', said Damzin, deputy secretary of the local Party committee, who chaired the two-day meeting, on local television. According to Damzin, the top priority was to teach students the correct version of Chinese Marxism, and to increase ideological and political education. It is 'the school's fundamental task to train builders and successors of the Socialist cause', said the deputy secretary. He also called for the formation of 'backbone work contingents' — groups of political Party workers and teachers who are engaged in moral education in schools — the function of which was not made clear in the announcement. The meeting called for Party organization in schools to be improved and said that the key positions in Tibetan schools should be 'firmly held by those loyal to Marxism'. Top appointments in schools should go to cadres who are 'politically reliable and . . . who resolutely oppose splittism'. It is worth mentioning here that all schools and all classes at university level have informers whose job it is to report to the Party authorities on any student or teacher who deviates from the Party line or hints at an interpretation of Tibetan affairs that is contrary to the official Party line.

The local Party secretary, Hu Jintao, who attended the meeting on 21 July, supported the call for increased Party control or 'leadership' in schools. In an unusually open comment, he appeared to indicate that Party control even in schools depends on the use of repressive security and police work. According to a television report

by the BBC Monitoring Service in the Summary of World Broadcasts on 1 August, Hu told the cadres 'to improve the quality of education and . . . at the same time, he asked Party and government officials at all levels not to hesitate when making arrests or exerting control, and to basically pay attention and lend support to educational causes.'

Local representatives at the meeting called for opposition to 'bourgeois liberalization' in schools, and for colleges to 'strengthen education in Marxist doctrines on matters relating to ethnic minorities and religion'. According to the Party officials, 'Colleges are important places where both foreign and hostile forces fight to win the hearts and minds of China's youth', and that therefore colleges must unswervingly accept the Party's leadership.

The drive to impose tighter ideological control on education stems from directives issued from Beijing, and forms part of the Chinese government's reaction to the 1989 Democracy Movement in China. If implemented in Tibet it could create difficulties for those agencies and individuals (especially expatriate Tibetans) who currently invest large amounts of money in private educational projects in Tibet. The report of the meeting of July 1990 included an implicit reference to this sort of aid when one local delegate was said to have called for more privately run schools and vocational colleges to be developed. The Chinese are now eager to attract foreign finance to support rural education in Tibet, which is currently dramatically under-resourced. But there may be ideological difficulties in reconciling such schemes with the resistance foreigners and expatriate Tibetans feel towards political indoctrination.

Current private educational projects in Tibet include a village school near Lhasa, initiated by Sonam Jamyangling, a Tibetan living in Sweden; and a major project involving the setting up of clinics, schools and a university in Kham (eastern Tibet), initiated by Akong Rinpoche, a Tibetan lama based in Scotland.

Repression and Human-Rights Violations

Alexander Solzhenitsyn, who had reason to know the nature of brutal repression, denounced the Chinese authorities in Tibet as 'more brutal and inhumane than any other communist regime in the world'. Jonathan Mirsky, one of the leading reporters on China

(currently for *The Times*) has said that 'China is the worst place to be a human being that I have ever been.'[13] Arbitrary arrests, imprisonment without trial, torture and extrajudicial executions are regularly reported from Tibet by human-rights organizations such as Amnesty International, Asia Watch, Tibet Information Network (TIN) and other concerned bodies. Teachers, students, monks and nuns are among those most frequently targeted by the security forces.

In its report 'PRC: Repression in Tibet 1987-1992', Amnesty International describes the cases of a number of long-term political prisoners subjected to 'degrading and inhuman treatment'. Among other prisoners of conscience are a number of minors (children under 18), all nuns. Amnesty International reports that, 'At least 200 civilians were killed by security forces in successive incidents, including violent riots, between 1987 and 1990 . . . The Government of the PRC has never permitted Amnesty International to conduct research in Tibet . . . and many letters have remained unanswered.' Among Amnesty's Appeal Cases were the following:

- Yulo Dawa Tsering, a 56-year old monk and teacher, sentenced to ten years imprisonment on 19 January 1989 for speaking to an Italian tourist and expressing support for the Dalai Lama. Yulo Dawa Tsering had previously been imprisoned 'for life' in 1959, for taking part in the Tibetan uprising. He was released in 1979, after serving twenty years.

- Jampel Changchub, a Buddhist monk from Drepung monastery, sentenced at a mass rally, on 30 November 1991 to nineteen years imprisonment for possessing 'reactionary literature': this included a Tibetan translation of the Universal Declaration of Human Rights.

- Dawa Kyizom, a 20-year-old secondary-school student in Lhasa, sentenced without trial or opportunity for defence to a three-year term of 're-education through labour' for giving a Tibetan nationalist flag to a Buddhist monk.

- Dawa Dolma, a 23-year-old middle-school teacher in Lhasa was detained for supposedly writing reactionary songs and urging her pupils to read them. Although released temporarily to take

care of her 1-year-old child, in February 1992 she was reported to have been imprisoned again and sentenced to five years.

- Jigme Zangpo, a Tibetan primary school teacher, currently serving a nienteen-year sentence in prison for shouting out pro-independence slogans; he received an additional eight years for shouting slogans while in jail. Jigme Zangpo comes from Gyantse. In 1959 he received a fifteen-year jail sentence for allegedly 'corrupting the minds of children with counter-revolutionary ideas'. As a teacher at Number One Primary School in Lhasa, he had failed to report to the authorities a child who had written 'Down with Chairman Mao' on the wall of the school toilets. After his release, he received a second fifteen-year sentence for shouting slogans criticizing Deng Xiaoping, and another four years while in jail for shouting independence slogans. If he completes his present sentence he will have spent a total of forty-two years in jail for peacefully protesting Tibet's rights. If he shouts no more slogans he will be due for release in 2010 when he will be 81.

- Lobsang Yonten, a 64-year-old monk and teacher, originally arrested in 1960 after the Tibetan uprising against Chinese rule. He served twenty-six years in jail before release in 1986. He survived by giving private classes in Tibetan but was arrested again on 13 May 1993 for allegedly having 'stolen state secrets and being engaged in separatist activities'. This usually means that he was going to hand over to a foreigner a list of Tibetans in prison.

- Tenzin Dekyong, a 15-year-old girl, among twenty-five Tibetans arrested in a pro-independence demonstration in Lhasa on 13 March 1993. A novice at the Michungri nunnery, she has been taken to Gutsa prison, 4 kilometres east of Lhasa. Gutsa in notorious for the use of torture.

According to reports by TIN, other schoolchildren sentenced for alleged political activities include the following:

- Migmar, a schoolboy who spent a year in prison after taking part in a demonstration, was arrested on 6 March 1989 and

released on 6 March 1990, but was told that he could not resume his schooling.

- Lkakpa Tsering, a 14-year-old boy attending Number One Middle School in Lhasa, was detained by police on 4 November 1989 for forming a 'counter-revolutionary organization'. Along with five other boys, he was publicly accused by the authorities of making and distributing pro-independence leaflets. He was sentenced to two years in an adult prison (Drapchi), 3 kilometres north of Lhasa.

- Students and teachers are constantly under suspicion and surveillance. For example, students at the University of Tibet made preparations for a protest march on 30 May 1993. The students, from the Department of Higher Tibetan Studies, had planned to march through Lhasa, but were prevented from doing so by the university authorities who – although it was a Sunday – organized special classes for the day and then locked students and staff in the campus. In a political meeting in the afternoon, the students were told that if they joined, watched or discussed any demonstration they would be expelled.

Education in Exile

The achievements of the Tibetan refugee community in exile in India are immensely impressive and show what Tibetans can do when they are allowed to run their own affairs. The schools were founded with the aim of maintaining cultural identity. They are modern and progressive and have incorporated advanced ideas and technology. Teachers are dedicated and highly motivated. In 1984, the 84 Tibetan schools in India, Nepal and Bhutan with 555 Tibetan teachers were teaching 37,500 pupils. The medium of instruction is English and the subjects taught are Tibetan, Hindi, English, Maths, Science, History and Geography. In addition Tibetan music and dance, arts and handicrafts are taught; physical training and sports are widely practised. There is all-round care of the children; many schools have gardening plots and dispensaries linked to regular health checkups. Apart from academic excellence, Tibetan schools in India also supply vocational training for the continuance of their cultural traditions in pursuits like *thangka* painting, wood carving,

metal craft and carpet weaving. Between 1969 and 1984, 757 Tibetans graduated, and of these 258 went on to postgraduate work.

Some maintain that the Central school in Bir is a major embarrassment for the Chinese government. It was established in 1986 to meet the needs of the large quantities of young Tibetan people still leaving Tibet in search of the education they cannot get their own country. Along with the Tibetan Children's Village (TCV), Dharamsala, this school has around two thousand students aged between 10 and 18 who have recently come from Tibet. Many of these have never attended school before and some do not even know how to hold a pen. Many wish to learn English, maths and science — important subjects which required in Tibetan schools a competence in Chinese that they did not possess. Crash courses are laid on to enable them to catch up and rejoin their correct age groups. Although conditions and facilities in the Bir school are squalid, there is an immense sense of purpose and enthusiasm — qualities sadly lacking in schools in Tibet. The Chinese authorities refused the Dalai Lama's offer in 1980 to send teachers to Tibet to help raise standards. Students are taking considerable risks to get the education they want in India.

Notes

1. Estimates of the number of PLA troops vary. For a first-hand account, see Robert Ford, *Captured in Tibet*, London 1957.
2. International Commission of Jurists, *Tibet and the Chinese People's Republic*, Geneva 1960.
3. *Tibet — An International Consultation*, International Alert, 379 Brixton Road, London SW9 7DE.
4. E.L. Luttwak, *Seeing China Plain*, Tibetan Review, January 1977.
5. Pema Gyalpo, *Metok, Three months in Tibet*, Dharamsala, Winter 1980.
6. The system of *guanxi* is attested to in countless interviews and is a major cause of discontent among Tibetans. See, for example, interviews conducted by TIN, 25 May, 1990.
7. *Beijing Review*, 7-13 December 1987.

8. Article was translated by the Department of Information and International Relations of the Tibetan Government in exile, Dharamsala, 1993.
9. The statistics here are confusing. *Beijing Review 1990* gives the percentage of children attending primary school as 54 per cent. Whichever figure is accepted, it is very low.
10. Here again figures do not match. According to the official Chinese census of 1982, only 5 per cent of Tibetan children in the TAR continue their education beyond primary school.
11. *Tibetan Review*, September 1993.
12. *Beijing Review*, December 7-13, 1987.
13. Jonathan Mirsky in a talk at the Dartington Hall Literary Festival, 28 August 1992.

10. Iran

Shahrzad Mojab

Political, Social and Economic Background

The Iranian constitution of 1979, which was amended in 1989, identifies the form of government of Iran as an 'Islamic Republic'. Supreme authority is held by the spiritual leader, *valī-ye faqīh*. The leader, always a male theologian of the official religion, determines the 'general policies' of the republic; is the supreme commander of the armed forces; appoints the joint chiefs of staff and the head of the Revolutionary Guards; declares war and makes peace on the recommendation of the National Defence Council; and – among other things – appoints half of the members of the Council of Guardians. Despite the appearance of Western-style democracy, including popular elections, a parliamentary system and a division of powers, the political system is an authoritarian theocracy. Freedom of expression is guaranteed only under conditions of compliance with the principles of Islam or public rights (Article 24 of the constitution).

Iran's economy was largely agrarian until the 1960s. The government has owned major nonagrarian enterprises such as petroleum, fisheries and the railways since the formation of the centralized state under the Pahlavi monarchs in the latter part of the 1920s. By 1991, about 70 per cent of industry was state-owned. This was in line with the 'Islamic economy' envisioned in the constitution. The economy consists of state, cooperative, and private sectors. The state dominates all areas of social life, including politics, culture and education. Oil remains the most important export commodity. In recent years the government, under pressure from a deteriorating economy, has increasingly relied on foreign loans, encouraged foreign investment, and initiated privatization. The 49 per cent limit on foreign investment in Iranian companies was removed in 1992.

Iranian society has also undergone a process of major change in the latter part of this century. Feudal and tribal forms of social organization declined, especially after the land reform of the 1960s. Within a period of thirty years, a predominantly rural society was

transformed by large-scale urbanization, resulting primarily from mass rural migration. The 1956 census reported a population of 18.9 million, 5.9 million (31 per cent) of whom were urban and 13 million (69 per cent) rural inhabitants. By 1986, the population was 49.4 million, comprising 26.8 million (55 per cent) urban and 22.3 million (45 per cent) rural inhabitants.[1] Moreover, a sizeable modern middle class consisting of technocrats and professionals such as doctors, lawyers, accountants, engineers and managers has emerged. The working class is concentrated in the oil industry, factories and industrial enterprises in Tehran, the central provinces and a number of other locations.

No more than half of the population is Persian; the balance is made up of Azerbaijani Turks, Kurds, Baluchis, Turkmans, Arabs, Armenians and Assyrians. Persian is the only official language, but non-Persian peoples speak their own languages, which are also used in state-owned broadcasting and in private publishing. Islam is the dominant religion; the Kurds, Baluchis and Turkmans are predominantly Sunni Muslims, and the Persians are Shiites. Religious minorities include Zoroastrians, Christians, Jews and Baha'is.

Literacy rates have risen from 15 per cent in 1956 to 62 per cent in 1986.[2] During the 1990-91 academic year, 312,076 students were studying in post-secondary institutions.[3]

Under both the Islamic Republic and the previous monarchist regimes, Iran has had a reputation for one of the worst records in human-rights violations.[4] Individuals are arrested, tortured and killed for expressing views critical of Islam and the Islamic state. Arrests can occur without redress. Little legal protection exists for detainees, who are often held for long periods without charge. No access to lawyers is permitted in political cases. According to Amnesty International, thousands of political prisoners have been extrajudicially executed since 1970. Iran also boasts one of the highest rates of judicial executions in the world: 884 in 1991, excluding the many that go unreported.[5] Ethnic minorities and certain religious minorities such as Baha'is are regularly persecuted. The government is also suspected of having ordered the assassination of leaders of opposition parties abroad.[6] The Islamic state's autocratic approach to freedom of expression extends beyond its own people. Accused of apostasy, for example, Salman Rushdie, a British citizen, was sentenced to death, along with anyone involved in publishing and translating his novel.

Article 30 of the Islamic constitution requires the state 'to provide the means for free education for all of the nation through secondary school, and to expand, free of charge, the means for higher education until the country attains self-sufficiency'.[7] The expansion of higher education is thus linked to the demands of the national economy and the goal of independence and self-sufficiency. Although tuition is free, students must pay cost-of-living expenses and the ever increasing cost of textbooks. Moreover, they must commit themselves to work for the government for a period equal to the length of their study.

Other factors make equal access to higher education more difficult. Although provincial universities have expanded, the capital city of Tehran and the largest cities of Tabriz, Mashhad, Isfahan and Shiraz have, quantatively and qualitatively, monopolized Iran's higher education. The cost of living in these cities is excessively high; as a result, lower-income students from disadvantaged regions find it difficult to attend these institutions. This is especially true in the case of female students, who face numerous obstacles if they wish to study away from their families. The Islamic government, however, has been sensitive to disparities between the centre and the periphery. Under a quota system, students from disadvantaged provinces are allowed easier access to higher education. The same quota system is used to give preference to groups who have close political and ideological ties to the state.

The 'Islamic Cultural Revolution' in Higher Education

The active participation of leftist students in the anti-monarchist revolution of 1978-79 strengthened the traditional prestige and power of the university as a political force struggling for democracy and independence. By the time the Islamic government came to power on 11 February 1979, the universities, especially those in the capital city Tehran, had emerged as politically and administratively autonomous institutions, run by left-wing professors and students who demanded changes in Iranian society such as decolonization and democratization, redistribution of land, dissolution of the monarchist army and police, and autonomy for the nationalities. They also demanded a democratic administrative system in universities and a radical transformation of the educational system at all levels.

Anxious to consolidate its authority over a country that had gone through revolutionary upheaval, the new regime tried to restore 'law and order' by winning the loyalty of sectors such as the armed forces, the nationalities, the media and the universities. However, in spite of Ayatollah Khomeini's enormous popularity, the Islamic government failed to exercise its authority over autonomy-seeking minorities (the Kurds, Turkmans, and Arabs), political organizations, women's groups, the media, and university campuses, by regular administrative means. To bring them under control, coercion was applied in every case. During the course of 1979 the new regime disarmed the people in the central provinces and the cities, suppressed the press and the Turkman nationality, took military action against the Kurds, banned open activism by political organizations, and dismantled the leftist workers' unions in factories. As was the case under the monarchy, the universities, benefiting from their traditional immunity from police attack, were able to resist political authority even when all other opposition voices were silenced. It was obvious, however, to both the government and the leftists that this situation would not last long.

The situation on campuses was practically one of 'dual power'. Although these institutions are owned and administered by the state, the Islamic regime's appointed chancellors were powerless in the face of organized students and faculty. The student groups worked from offices (or 'headquarters' as the government called them) from which they organized political activity on and off campus. Many colleges were run by nonofficial councils comprising students, faculty and staff. It was the leftist opposition, however, that had the upper hand in this 'dual power' system of political rule.[8]

In April 1980 campuses all over Iran were attacked by 'club-wielders', soldiers and mobs organized by the Islamic Republic Party, only one month after Khomeini gave his consent in his New Year's Message. Neither in this nor in other official documents was there any mention of an 'Islamic Cultural Revolution' (ICR). The label was used by Bani-Sadr, president of the Islamic Republic, when he arrived at the Tehran University campus just after it had been 'conquered' by force in a bloody confrontation.[9]

The Islamic state was far from achieving political and ideological homogeneity when the Islamic Cultural Revolution began. The three major centres of power – Khomeini, the Islamic Republic Party and President Bani-Sadr – all felt the need to

'cleanse' the universities of the opposition, and thus regain their loyalty to the state.

The immediate task of the Islamic Cultural Revolution, then, was to eliminate anti-government students. In the repressive atmosphere of 1982, thousands of active students did not apply for readmission because they feared arrest and punishment; those who did underwent a process of ideological and political screening.

The main requirements for readmission of students were no participation in the work of political parties and no involvement in armed struggle against the Islamic state. According to a group of purged students, they had to go through a long and painful process before being notified if they had been readmitted.[10] As a first step, they were required to attend the notorious Evin Prison. On entering, they were blindfolded, led to a room and seated on chairs facing a wall while being watched by a number of 'Revolutionary Guards'. They were ordered not to talk to each other, not to move and not to look at anyone behind their backs. After reading lines from the Quran, a speaker would talk about the significance of protecting Islam and the Islamic regime; and of the government's determination to suppress the 'traitors' and *munāfeqin* ('hypocrites', that is, those who are Muslim in words and appearance but not in deeds and practice). The students were then instructed to fill out questionnaires detailing personal and political information, including student activities, membership of political parties, opinions about the Islamic Revolution, and the Islamic Cultural Revolution, and information about friends.

After the elimination of politically dangerous students, a new phase of admission began under the rubric of the 'New Opening' (*now-gushā'ī*). Centralized entrance exams to universities were conducted in 1983 under a new policy of combining academic performance with ideological and political loyalty to the state as the criteria for admission. Thus, students who passed the academic test would be admitted to university only if they passed the ideological and political tests and investigations. For each applicant, 'local investigations' (*tahqīq-e mahallī*) were conducted in the applicant's neighbourhood. The mosque would furnish information on whether a female applicant was veiled and modest, and if the applicant attended prayers or observed fasting. The applicant's high school was required to provide similar information.

Dissent against ideological/political screening, together with the ascendancy of the liberal wing in the administration of the Islamic Cultural Revolution, led to a relaxation of 'local investigations' in the late 1980s. In 1987-88, for example, the 'penitents' (*tavvāb*) – anti-government students who had repented while in jail – were allowed to take entrance exams.[11]

While the exclusion of disloyal was an important tool of control, the Islamic state also adopted a policy of admitting applicants who had proved their devotion to the regime. Thus, quotas were established to admit applicants belonging to these groups: (i) members of various armed groups organized by the government to take part in the war with Iraq (23 per cent); (ii) members of the families of martyrs (5 per cent); and (iii) war veterans (2 per cent).[12]

The quota policy pursued two objectives: (1) the admission of applicants committed to the Islamic regime, so as to establish, among the unruly student body, a strong social base for the state; and (2) the provision of a very important material incentive to those who had participated in a war that had become extremely unpopular.

Fear of anti-government student activism is evident in official writings of the Islamic government.[13] It followed, therefore, that in the period after the Islamic Cultural Revolution, a more intensive system of intelligence-gathering was devised. Control is conducted at two levels: first, through the university administration; and second, through a student organization affiliated to the government and with the help of students admitted through the quota system. The Islamic Student Association (*anjuman-e eslāmī-ye dāneshjûyān*) is the only organization allowed to operate on campuses. This group was set up by Muslim Students of the Party of God in order to defend government policy at the universities, and to spy on anti-government and non-Muslim students, groups and organizations. Each university has an Islamic Student Association with a central office and branches in every college.

The intelligence gathered by the Islamic Student Association includes moral/ethical subversiveness, such as inappropriate (that is, non-Islamic) clothing, male-female contact, failure to attend noon prayers, and nonobservance of fasting. More importantly, these associations reported on non-Islamic and anti-state ideas, discussions and arguments in the classroom. A Tehran University

professor, in an interview with *Middle East Watch*, stated 'No secular ideas can be objectively presented and argued on university campuses. There have been many instances when these students have threatened their professors and demanded that they abide by the Islamic principles in teaching and interpretation of their subject matters . . .'

Violation of University Autonomy

Universities in Iran are part of the state structure. They are founded, financed and run by the state. The administrative hierarchy in universities has been laid down the Ministry of Culture and Higher Education in legislation.

Under the former regime the universities' entire administrative structures were controlled in order to ensure their loyalty. The old administrative system, based on the French model, underwent reform in the 1960s, and adopted the American system of a board of trustees, which was headed by the Shah, the queen or other members of the royal court. Unlike the American system, chancellors and deans were appointed with the approval of the Shah. However, the main feature of state control was not the boards of trustees but, rather, the direct and continued presence on campus of the secret service, SAVAK, and a military force, that is, campus guards. Dissent was brutally repressed. Killings, arrests, induction into the army, and dismissal of students were common methods of suppression and intimidation.

During the revolutionary upheaval, the Shah's government closed down the universities considered as 'bastions of freedom' (*sangar-e azadi*) by the opposition. However, during the final days of the regime, the students, faculty and staff of Tehran University were able to reopen the institutions and turn them into centres of revolutionary activity. Thus, for the first time, the university became de facto independent of the state. When the Islamic government assumed power, the universities refused to be integrated into the new state structure and consequently set up their own administrative organs based on elections by 'student councils'.

The central government's policy was quickly to take full control of the campus through a set of administrative measures. The government first appointed a new chancellor and then brought the university under the authority of the Ministry of Culture and

Higher Education. Under the continuing revolutionary process, the universities were, in practice, run from below by leftist students and faculty. The appointment of nonrevolutionary and usually unknown individuals to top positions exposed the conservative nature of the new ruling power. In order to strengthen state authority, the new regime decided to conduct Tehran's Friday prayer on the campus of Tehran University.

The Islamic Cultural Revolution aimed at setting up an administrative structure to provide a more effective system of control than operated under the Shah. It appointed clergymen to sensitive positions in order to ensure both ideological and political loyalty. It also reinstated the board of trustees, which was dismantled by faculty and students immediately following the revolution. The isolated and clandestine use of the secret police as a method of control by the Shah was replaced by an open and more comprehensive network of Muslim Student Associations which monitored faculty, students and staff on a day-to-day basis. One may conclude that the Islamic and monarchist regimes adopted a similar policy with regard to the administration of the universities. The main similarities are: (i) the universities function as state organs run by an administrative structure appointed from above and incorporating a system of open police control; (ii) measures exist to ensure the institutions' political and ideological loyalty; and (iii) the universities function as an instrument of state-building and nation-building, that is, consolidating and maintaining state power and providing skilled labour for the economy.

In order to integrate the universities fully into the Islamic state structure, the *maktabi*[14] faction (including the University Crusade and the Islamic Republic Party) within the ruling political power advocated a union between the traditional Islamic schools, called *Howze*, and the university. The programme called for total restructuring of the universities, which was expected to be carried out, both from an academic and organizational point of view, by integrating the policies, decrees and verdicts of God and His representative, the Islamic state, *Velāyat-e Faqīh*. Academically, the university is not allowed to 'philosophize' (that is, determine the right and wrong) on the policies and decrees of the *valī-ye faqīh* (the ruling theologian-jurisprudent). The university's function is to 'translate' and popularize the Islamic ruler's decisions.

In practice, however, the *maktabīs* were not able to achieve this degree of fusion of the university into the state. Many clerics were appointed to positions by the 'leader' with the aim of supervising the university regimes in the first few years of the Cultural Revolution. These appointments, however, led to more factional conflict. This major effort at Islamization failed with the rise to power of the liberal faction. The boards of trustees, abolished during the 1978-79 revolution, are being reinstated and *maktabīs* are being gradually purged.

With the escalation of political oppression in the country during the summer of 1980, the university authorities followed the government strategy of crushing all opposition. In some institutions, salaries were cut off and faculty members were suspended; in others, faculty activists were not allowed to enter the campuses, and all faculty gatherings were banned. Since the demise of the National Organization of Iranian Academics (NOIA) and the National Society of Iranian Academics (NSIA), there has been no organized faculty opposition to the Islamic government. Following the purge and dispersal of a large number of faculty members, nothing remained of faculty organizations. In addition, a large number of faculty members abandoned the universities and sought refuge in institutions abroad. According to the minister of culture and higher education, within a two-year period (1979-81), the universities lost 7,835 faculty members.[15] Those who stayed were either supporters of the government or old, liberal, often prominent, faculty members who were unwilling or unable to oppose the state. They remained, however, the targets of government harassment. In recent years some of these prominent professors have shown their frustration and anger at the ideological and political control maintained by the state.

Female faculty members are facing even harsher controls and harassment. Not only were their teaching practices subjected to government scrutiny, but their appearance, manners, and even the intonations of their voices could easily lead to loss of their positions.

Violation of Academic Freedom

Putting an end to the state of dual power through the full control of the administrative structure of the universities was the most

urgent and yet readily realizable objective of the Islamic Cultural Revolution. The leaders of the Islamic state were aware, however, that administrative control alone does not guarantee ideological and political loyalty on the part of students and faculty. The policy of the Islamic Cultural Revolution was not only to uproot all university opposition, but, more importantly, to transform the university into an active pro-state institution.

One objective of the Islamic Cultural Revolution was to get rid of the politically active and committed professorate. Purging, execution and imprisonment were some of the methods used to achieve this goal. Recruitment policy was revised, and ideological screening was added to the old practice of political screening deployed under the Shah. In the social sciences and the humanities, the policy aimed at appointing as many clergymen as possible who had teaching experience in traditional religious schools but were not familiar with modern sciences. A long-term policy was to establish teacher-training colleges where instructors knowledgeable in Islam and loyal to the state would be trained.

Teaching, under the Shah, was an eclectic mixture of nineteenth century European and earlier Islamic traditions. The professor was the ultimate source of knowledge, but textbooks were equally important. Rote memorization, rather than inquiry and research, was the main method of learning. In spite of these limitations, the teaching process was different from that of the traditional Islamic schools, the *Howze* seminaries. There was limited experimentation in the sciences, engineering and medical sciences, and the social-science courses had a secular orientation.

During the period of 'dual power', left-wing students and faculty transformed the teaching process into one of debate and controversy; radical ideas and books in both the exact and social sciences were debated, and academic freedom — unprecedented in Iranian history — prevailed in the institutions.

The policy of the Islamic Cultural Revolution was to bring about a union of the *Howze* and the university in all aspects of academic life, especially in teaching. The *Howze*, similar to medieval European religious schools, developed a teaching practice useful for transmitting clerically verified and sanctioned knowledge contained in a limited number of books, usually centuries old, to students who would become clergy. The subject matter had remained unchanged for centuries and students were required to memorize this body of

knowledge. The teacher and the book are the ultimate source of 'truth'. The teacher is not only seen as the epitome of knowledge, but also an apostle of good manners, faith in Allah and all the virtues sanctioned by Islam. The Islamic teacher is expected to be both expert in and committed to the Islamic faith. The approach is metaphysical and scholastic. Any materialistic approach is rejected as 'blasphemy' (*kufr*). In fact, ideologues of the Islamic regime argue that experimental sciences are more dangerous than Western social sciences and humanities because they are inherently in conflict with the religious faith.

Violation of the Linguistic and Cultural Rights of Ethnic Minorities

Iran is a multilingual, multicultural and multinational country. The Persians, the dominant nation, constitute no more than 50 per cent of the population. Non-Persian peoples — Azeri Turks, Kurds, Baluchis, Arabs, Turkmans — live in their ancestral territories which extend into the neighbouring countries. Armenians and Assyrians are both religious (Christian) and linguistic minorities, while the Jews are a religious minority. They are scattered, but concentrated in some urban areas of Iran.

The Iranian state denies the non-Persian peoples many cultural and linguistic rights, especially the right to native-tongue education. This is in spite of the fact that Azeri and Turkmani were the official languages of two republics in the former Soviet Union, both of which are now independent state members of the Commonwealth of Independent States. Baluchi enjoys extensive linguistic rights in neighbouring Pakistan, while Kurdish was a local official language in Iraq and enjoyed considerable freedom in the former Soviet Union.

Denial of the linguistic rights of non-Persians was stipulated in the first constitution of Iran (1906), which declared Persian to be the only official language of the country. Reza Shah (1925-1941) pursued a strict policy of economic, cultural, administrative and linguistic centralization. Non-Persian languages and cultures were repressed, and educational institutions were used as major instruments of Persianization of the multilingual country. The universities, much like the state-controlled mass media, were expected to promote the official ideology of Persian nationalism. The Islamic heritage was

downplayed, whereas pre-Islamic history was glorified. 'Iranians' were declared to belong to the 'Aryan race' and thus 'superior' to the Arabs and Turks. Under Reza Shah's rule, the speaking of non-Persian languages in public was severely punished.[16] Many faculty members of Tehran University and other institutions supported the Persianization policy by claiming that Persian was the only language of Iran.[17] An environment of intimidation prevailed in the universities. Azeri, Kurdish and other languages (except Armenian), if mentioned at all, had to be labelled 'dialects'. Students who dared to call them 'languages' would be accused of 'secessionism'.

In spite of these repressive policies, the government of the last Pahlavi monarch (1941-79) showed flexibility when its stability was threatened due to changes in the political situation of neighbouring countries. Thus, beginning in the 1950s, broadcasting in non-Persian languages began, and limited publishing in Kurdish was allowed. The Tabriz University's quarterly magazine began publishing Kurdish folklore texts; and, by the early 1970s, Tehran University was required by the government to offer two courses on Kurdish language. Still the government pursued an assimilation policy, including plans for mass deportation of the Kurds.[18] It must be noted that since the early years of Pahlavi rule, Armenians and, much later, Assyrians were allowed to use their languages in their private schools. This was largely due to the fact that these two minorities are not concentrated in a specific territory and, unlike the Kurds or the Azeri, do not make territorial claims. Moreover, allowing them and the Jews some religious and linguistic freedom (including representation in parliament) has proven to be a useful propaganda tool.[19]

The change in the form of government from a secular absolutist monarchy to a theocratic Islamic republic did not change the assimilation policy. Indeed, there is still some freedom for publishing in Kurdish and Azeri, and broadcasting in these languages has been expanded. A newspaper is now being published in Azeri, and plans for establishing a B.A.-level programme in Azeri language and literature have started. However, this apparently more generous policy is motivated by external and domestic political considerations. Iran feels threatened by the influence of Azeri nationalism, now reinforced by the Azerbaijan republic in the north. Similar political considerations play a significant role in Iran's policy on the Kurdish language.

It is significant to note that the Islamic constitution of 1979, like its predecessor, declared Persian the only official language, emphasizing that 'official documents, correspondence and statements, as well as textbooks' must be in Persian.[20] Although the constitution allows 'the teaching of ethnic literature in the schools',[21] the government has not yet implemented this stipulation. The Islamic state is unlikely to give any concession to minority peoples in this area.

Violation of Women's Rights to Education

Formal education was limited to males in pre-twentieth century Iran. A few women belonging to the urban nobility acquired literacy skills from private tutors at home. This was consistent with teachings of the dominant religion, Islam, which discouraged female education, and with the type of society, composed of a largely rural population (about 90 per cent) engaged in primitive subsistence agriculture including a considerable degree of nomadism and transhumance. Until the late 1970s, about 60 per cent of the population still lived in some 70,000 villages scattered throughout the country.

Females met obstacles to education in both the educational system, which was dominated by Moslem clergy, and the patriarchal traditional society which had confined urban women to the household. The first girls' schools were set up by American missionaries in Urumiya in 1835 and in Tehran in 1875; however, the government did not permit Moslem girls to enrol in these schools. Ecole-France-Persane, the first school for Moslem female students, opened in 1906, followed by several primary institutions set up by Iranian women in 1906, 1910 and 1911.[22] Moslem clergy repeatedly denounced the established schools for Moslem girls. According to clergy, schooling encourages Moslem girls away from their faith, leads their minds astray and, under the guise of education, turns them into unbelievers.[23] Despite the fact that Iran's first constitution of 1906 made provisions for female education, opposition by the clergy delayed the establishment of schools for girls until 1918 when the first state school was founded.

When the loosely integrated Qajar state was replaced by the centralizing and Westernizing regime of the Pahlavi monarchy (1925-79), the process of female schooling initiated by private

individuals was considerably accelerated. Under the influence of Kamal Ataturk's reform in Turkey, Reza Shah (1925-41) moved to outlaw the veil (January 1936), to open female primary and secondary schools, and to found (in 1934) the coeducational Tehran University — the first women students were admitted to Tehran University in September 1936. Although many women reverted to wearing the veil after Reza Shah's abdication in 1941, female education continued to expand steadily.

By the late 1960s numerous changes had taken place in Iranian society. These included the formation of a largely secularized urban middle class, a nationwide secular intelligentsia, a growing urban population, and a more diversified economy. The dramatic rise of oil income in the early 1970s and the Shah's vast military and economic build-up labelled 'The Great Civilization' (better known as the 'application of the Nixon Doctrine to Iran' — that is, the use of Iran as a major military and economic base for the USA in the Persian Gulf region) led to a serious shortage of skilled human resources. As a result, the universities were rapidly expanded to train technocrats; the number of higher educational institutions grew 57 per cent by 1970 (they expanded by 7 per cent in the 1950s and by 30 per cent by 1960). New programmes covering diverse areas from computer science to hotel management, were offered by the universities.

These developments opened new opportunities for women, who were now needed as participants in the labour force of a diversified urban economy. Women received higher education to become teachers, doctors, engineers, managers, economists and lawyers. Allowing women into the legal profession was an innovation that ran against Islamic principles. Thus, in the 1970s, women were able to enrol in almost every field of study except mining and theology. The number of women enrolled in higher education jumped from under 5,000 in 1966 to over 74,000 in 1977. Of this latter figure, women constituted 36 per cent of the intake to the Teachers' University and 86 per cent of those attending the vocational and teacher-training colleges. In this way, the educational system prepared many women for middle-class professions.

After the Islamic regime took power in February 1979, the government took measures step-by-step to implement the Islamic principles of segregating males and females and secluding women in their homes. Reversing Reza Shah's unveiling measure of 1936, Khomeini ordered the women to go back to wearing the veil. This

was opposed by middle-class urban women and by leftist and nationalist political organizations.[24] By deploying the enormous state apparatus and, later, coercion, the government was able to impose the veil on all urban women by 1982. A great number of unveiled women were dismissed from the state bureaucracy, and unveiled patrons were not allowed into any government building or banks.

Part of the purpose of extensive Islamization of male-female relations was to restrict the professional and educational domains of women's lives and to restore women to what the regime considered women's primary role in society: domestic responsibility and child-bearing. To implement these principles, women were barred from the legal profession and a bill was sent to the parliament which aimed at restricting all full-time female employees to part-time working, to enable them to carry out their household and maternal responsibilities. An important aspect of Islamization is the attempt to limit women's access to higher education. Unlike other measures which had immediate repercussions — for example, veiling and the bill on women's part-time work — the reform of higher education was carried out behind closed doors, and little is known of its impact.

Regulating male-female relations on the basis of Islamic values is one of the objectives of the Islamic regime. The constitution of the Islamic Republic calls for a return of women to the honourable position of motherhood. Education, especially on the higher level, is used as an instrument of this policy. Admission policies to institutions of higher education are geared towards encouraging women to devote themselves to family-raising duties and are based on the segregation of males and females. The intention, therefore, has been to close certain fields of study to women and to open new fields to both men and women.

Since women are considered to be 'emotionally and physically weak',[25] certain fields such as law were closed to them. Other fields, for example, agriculture and engineering, were closed to women because these professions would require them to be away from home and family. Moreover, they require contact with *namahram* males (one with whom a Muslim woman is not supposed to associate). Barring women from the agricultural field is often justified in terms of women's physical weakness and their supposed inability to engage in tough work. This justification is, of course,

untenable because rural women throughout the Muslim world form a major part of the agrarian labour force.

Another objective of the admission policy is male-female segregation. Thus, nursing has been opened to men, admitting 50 per cent males, while certain fields of medicine — for example, gynaecology and midwifery — have been restricted to women only. In other words, the objective of this policy is to train female nurses, midwives and doctors to treat female patients only, and males to treat males.[26] As shown Table 10.1, the total number of fields of study closed to women in the academic year of 1991-92 was 129 (39 per cent). It should be noted that the remaining 203 fields were not open equally to women and men. The majority allocated less than 50 per cent of their places to women.[27]

Table 10.1
Fields of study closed to women, academic year 1991-92

Test groups	Total no. of disciplines	No. of disciplines closed to women	%
Math & Technical Science	175	86	49
Science	84	27	32
Arts	20	1	5
Humanities	53	15	29
Total	332	129	39

Source: Ministry of Culture and Higher Education, Islamic Republic of Iran.

Islamic interpretation of women's sexuality has also strongly affected government policy on women's access to higher education. According to Islam, female sexuality is a source of deviance, and males are vulnerable to deviation if they come into free contact with women. This principle governs the activities of single women faculty members and researchers, who are not allowed to attend international conferences or travel abroad during their sabbatical leave. The marriage requirement does not apply to single males. To cite an example: in order to monitor male-female contacts closely, the Cultural Heritage Organization (Sāzmān-e Mīrās-e Farhangī) has instructed women archaeologists not to engage in archaeological activities outside a designated area. The effects of this restriction have become so extensive that the university has dropped, in the

case of female students only, the course on excavation, which comprises one semester in the field. As a result, women are appointed to work in museums only.[28] Such restrictions have also been applied to other fields, such as botany, where women botanists have no option but to work on plants gathered by men who are not botanists. Although there are many women working in this field, probably outnumbering the men, botany and plant collecting nevertheless remain a male profession.[29]

In spite of these restrictions on women's access to higher education, statistics published by the Ministry of Higher Education do not indicate any decline in the proportion of female students in the post-revolutionary period. According to the data, the number of female students in Iranian universities has remained constant since 1977: that is, about 30 per cent of the student population.[30]

The religious-ideological factor aside, the economy has been stagnant compared with the pre-revolutionary decade of the 1970s. Even though female skilled labour, like foreign labour, was needed in those years of increased public and private investment, the situation does not hold true any more. There is, however, a continuing shortage of doctors, nurses and teachers. Nursing and teaching at primary- and secondary-school levels are not, however, prestigious or well-paid professions. Thus career motivation in these areas is negatively effected by the Islamization policy. The Islamic regime faces the dilemma of restoring women to 'the worthwhile and responsible task of motherhood' (according to the constitution) while, at the same time, needing to train female doctors, teachers and nurses in order to serve female patrons.

Conclusion

Threats to academic freedom 'lie within as well as outside academia: in the use of power – political, economic or ecclesiastical – to truncate inquiry, to suppress unorthodox views, to prescribe a curriculum or to dismiss dissenting faculty . . . '[31] The evidence presented in this chapter indicates that in Iran the main threat to academic freedom comes from outside academe – the institution of the state. No doubt non-state forms of repression do exist within academic institutions. They are, however, dwarfed by the direct, open and legal suppression of freedom planned and implemented by a state that espouses the official religion as the only correct political, ideological and educational line. Educational institutions

have been, administratively, organs of the government. The opening of private institutions has not changed the picture in so far as they are not allowed to deviate from the policies formulated by the government.

In spite of the threat of severe punishment, there has been considerable resistance to violations of academic freedom. For instance, female faculty members have protested against the numerous limitations imposed on their teaching and research. Likewise, faculty and students have objected to the restrictions imposed on their work. Under the extremely repressive conditions that prevail in the universities, students, faculty and staff continue to challenge the state.

Notes

1. Figures and percentages are based on *Sālnāme-ye āmārī-ye Keshvar 1369* (Iran Statistical Yearbook 1369 [1990-91]), Statistical Centre of Iran, Tehran, January 1992, p. 33.
2. *Ibid.*, p. 113.
3. *Ibid.*, p. 153.
4. For the latest update, see Human Rights Watch, *Human Rights Watch World Report 1993*, New York 1993, pp. 300-304; Middle East Watch, *Guardians of Thought: Limits on Freedom of Expression in Iran*, New York 1993.
5. Human Rights Watch, *World Report 1993*, p. 302.
6. *Ibid*.
7. *Constitution of the Countries of the World. Iran*, April 1980, p. 102, author's translation.
8. Shahrzad Mojab, *The State and University: The 'Islamic Cultural Revolution' in the Institutions of Higher Education of Iran, 1980-87*, Ph.D. Dissertation, University of Illinois at Urbana-Champaign, 1991, pp. 65-9.
9. Abu al-Hassan Bani-Sadr was the first elected president of the Islamic republic (January 1980-June 1981). The Islamic Republic Party tried to oust him and take full control of state power (see Sepehr Zabih, *Iran since the Revolution*, Baltimore 1982, for an account of the power struggle; Mojab, *The State and University*, pp. 80-92; and David Menashri, *Education and the Making of*

Modern Iran, London 1992, p. 316, for an account of conflicting attitudes within the government on educational policy).

10. Personal interview with nine students who went through this process in the three cities of Tabriz, Shiraz and Tehran (Toronto, October 1990).
11. Human Rights Watch, *World Report 1993*, p. 118 states: 'Reports from Iran indicate that this practice [local investigation] has abated in the past five years for entrance into undergraduate programs, while it still persists for graduate and post-graduate programs.'
12. These percentages vary year by year. The Human Rights Watch reports *ibid*: 'According to President Rafsanjani, approximately forty percent of student admittance is devoted to released prisoners of war, the revolutionary guards, paramilitary volunteers (*basijis*) and the families of martyrs from the revolution and the war with Iraq. These students are offered exclusive summer classes, private tutoring, scholarship, extra bonus points and a specially designed entrance exam to facilitate their admission.'
13. Mojab, *The State and University*, p. 192.
14. There are numerous labels for this trend of ideological/political thought, for example, 'fundamentalist', 'hard-liner', 'radical' and '*maktabi*'. In this chapter, they are identified as *maktabī*s since they identify themselves as such in their main university organ, *Dāneshgāh-e Enqelāb* (University of Revolution). The *maktabī*s consider themselves true followers of the *maktab* (Doctrine) and advocates of Khomeini's *velāyat-e faqīh* (the rule of the jurisprudent). While this trend is identified as 'radical' by Western media and academics, Iranian leftists and nationalists consider them to be 'reactionaries' and extremist conservatives.
15. *Khabarnāme-ye Pazhūheshī-ye Sharīf*, Year 2, no. 15, 20 June 1985, p. 3.
16. Amir Hassanpour, *Nationalism and Language in Kurdistan. 1918-1985*, San Francisco 1992, p. 126; Jan W. Weryho, 'The Persian language and Shia as Nationalist Symbols: A Historical Survey', *Canadian Review of Studies in Nationalism*, vol. XIII, no. 1, pp. 49-55.
17. Hassanpour, pp. 128-9.

18. *Ibid.*, pp. 285-90.
19. Jan W. Weryho, '"Persian" versus "Iranian": The word Fars as an ethnic term', *Middle East Forum*, vol. XLVIII, no. 3/4, 1972, pp. 61-9.
20. *Constitution of the Countries of the World. Iran*, pp. 22-3.
21. *Ibid.*
22. Shahrzad Mojab, 'The Islamic Government's Policy on Women's Access to Higher Education and Its Impact on the Socio-Economic Status of Women', *Working Papers on Women in International Development*, Michigan State University, 1987, p. 1.
23. Guity Nashat, *Women and Revolution in Iran*, Boulder, Colo. 1983, p. 24.
24. More accounts of this event may be found in the following sources: Kate Millett, *Going to Iran*, New York 1982; Azar Tabari and Nahid Yeganeh eds., *In the Shadow of Islam: The Women's Movement in Iran*, London 1982; and Eliz Sanasarian, *The Women's Rights Movement in Iran: Mutiny, Appeasement, and Repression*, New York 1982.
25. The emotional, physical and intellectual weakness of women is discussed in virtually all the Islamic literature on women. See, for example, the former prime minister of the Islamic Republic, Muhammad Javad Bahonar (assassinated in 1981), *Huqūq-e Zan dar Eslām* (The Rights of Women in Islam), Qum, n.d.
26. Mojab, 'The Islamic Government's Policy', p. 9.
27. Limitations on women's access to certain fields of study began in the academic year of 1982-83. Since then, however, many changes have taken place. For a complete account of these changes, see Shahrzad Mojab, 'State Control and Women's Resistance in Iranian Universities', *Nimeye Digar* (Persian-language feminist journal), no. 14, Spring 1991, pp. 64-76.
28. *Zan-e Rouz*, no. 1348, November 1992, p. 11.
29. *Ibid.*, p. 12.
30. Mojab, 'The Islamic Government's Policy', p. 53.
31. Mary Hawkesworth, 'The Politics of Knowledge: Sexual Harassment and Academic Freedom Reconsidered', in Malcolm Tight, ed., *Academic Freedom and Responsibility*, Milton Keynes, 1988, pp. 17-31.

11. Palestine

Penny Johnson and Emma Naughton

Palestinian education in the Occupied Palestinian Territories is today at a crossroads. Labouring under a heavy legacy of Israeli military-ordered closures of universities and schools, as well as violations of the human rights of faculty and students, Palestinian educators are currently struggling to rebuild a crippled educational system to serve the needs of their society in the emerging new era. This era was ushered in by the signing of the Declaration of Principles between Israel and the Palestine Liberation Organization (PLO) on 13 September 1993 in Washington. Its implementation on the ground began with the signing of the Gaza-Jericho Accord in Cairo on 4 May 1994, whereby Israeli troops began a partial withdrawal from Gaza and the Jericho area and a limited Palestinian authority is constituted. However, at the time of writing, the contours are not yet clear. The promise of peace has yet to be realized. This chapter will review the period from 1992 to May 1994, focusing on problems and trends that bear on the new transitional phase. In particular, those areas will be highlighted where the Palestinian right to education may still be threatened and certainly needs to be defended.

A key event in the period under consideration was the reopening of Palestinian universities. The Israeli authorities had closed all six universities in January 1988[1] in a highly illegal act of collective punishment.[2] Beginning in October 1990, the universities were gradually 'allowed' to reopen their doors, with Birzeit University, the leading institution of higher education, the last to return to campus. In April 1992, Birzeit University was permitted to reopen after over four and a half years of military-ordered closure. Even then, the military authorities attempted to institute a timetable whereby only students in the Faculties of Science and Engineering were to be allowed on campus. At the time, vice-president Dr Gabi Baramki pointed out that universities 'do not function on the installment plan. We are an integrated academic community.'[3] The army plan was never made operational, but it remains a good example of the military's lack of comprehension or concern about the requirements of education.

Table 11.1
Student enrolment in Palestinian universities, 1992-93

	Enrolment	Male	Female
Birzeit University	2412	1214	798
Bethelem University	1795	1006	789
Islamic University Gaza	2703	2032	671
Hebron University	1433	841	592
Jerusalem University	1776	773	1003
Al-Najah University	5259	3238	2021
Open University	3853	2478	1375
Al Azhar University Gaza	1253	754	499
Total	20484	12519	7965

Source: Council for Higher Education.

Closure of Schools and Universities

In the same period as the closures of the universities, the Israeli military's collective closure of all Palestinian schools in the West Bank in February 1988, followed by a series of collective and individual school closures in the West Bank and Gaza Strip, as well as prolonged curfews and strikes, served to cripple the Palestinian educational system. Final control of this system rests with the Israeli authorities: the system includes private, government and UNRWA-administered schools. While there are significant differences in academic quality, freedom of expression and teaching methods between these institutions, all must fulfil the same curriculum (Jordanian in the West Bank and modified Egyptian in the Gaza Strip). All have suffered deterioration. A published study by the Tamer Institute for Community Education in the Occupied Territories pointed to a very serious decline in literacy and numeracy abilities in schoolchildren.[4] These findings were more than confirmed in a recent unpublished study by UNICEF where the testing programme of the International Assessment of Educational Progress was administrated in June 1992 to students in the West Bank by the Jordanian National Centre for Educational Research and Development. A World Bank report describes the results:

> [In science], the West Bank [was] placed twentieth in a field made up of twenty countries and the Occupied Territories . . . [In mathematics], the West Bank ranked nineteenth . . . Most alarmingly, Palestinian students performed especially poorly in test items that required them to use several skills to deal with novel tasks — precisely the sort of capacity that the economy is expected to require in the future.[5]

That these negative results were obtained in a society that has been marked by the highest degree of educational achievement in the Arab world points to an alarming deterioration in quality of schooling. The World Bank correctly attributes these results to the 'dramatic reduction in the length of the school year' since 1987, although it refrains from a discussion of military-ordered closures, merely mentioning 'curfews and strikes'. The report states: 'It should be noted that time-on task [the amount of time actually spent in school on school work] has been found to be the single most powerful determinant of student achievement.'[6]

Although individual school closures continued, as did curfews on Palestinian towns, camps and villages, both Palestinian schools and universities exhibited cautious signs of a return to normality in the 1992-93 school year. According to Khalil Mahshi, director of the Friends School in Ramallah, most schools in the West Bank managed to complete their curriculum:

> We extended the school year last year . . . In fact, private schools had 155 days instead of 180, and the government schools 200 instead of 220 [government schools have more days because their school day is shorter] Most schools managed to finish their curriculum, although there is a problem that teachers are going more quickly through the curriculum, which is not good.[7]

Mr Mahshi also noted that private schools were able to reinstitute extracurricular activities, which had been impossible to achieve in the previous three years; and even government schools, which had previously banned most extra-curricular activities, allowed some literary societies. 1992-1993 also represented the first opportunity in several years for parents' associations to be elected in many Palestinian villages.

However, efforts to recover from the crippling effects of military-ordered closures have been thwarted by continuing human-rights violations against Palestinian students and educators at all levels by the Israeli occupation authorities. Israel retains wide powers over undefined 'security' matters, which allows for the continuation of practices that deeply affect Palestinian students and faculty, such as closure of institutions, arbitrary detention, excessive force, deportation, restrictions on freedom of movement, and torture and ill-treatment.

In the 1992-93 school year, the Israeli authorities continued to close individual schools, and all those within a particular refugee camp or town, and to impose general curfews, which also served to shut down schools. They were closed for considerable periods; a closure of several weeks, for example, clearly goes beyond any immediate security considerations. While the situation in the West Bank improved markedly, as noted above, according to the Educational Network, schools in Gaza lost as much as 40 per cent of their school days in the 1992-93 academic year due to closures, curfews, and strike days.[8] For example: all schools in the Rafah area were closed for one month, ending 8 October 1992; on 13 October, five schools in Rafah were closed until further notice; the boys and girls secondary schools in Deir Al-Balah in Gaza were closed for one week at the end of October 1992; two UNRWA schools in Ma'an near Khan Yunis were closed for almost two weeks in November 1992. As the director of the Friends School noted above, the West Bank was less affected during this period, although some locations continued to suffer school closures, particularly in the northern West Bank and in certain refugee camps. For example, the girls' school in Jalazoun refugee camp was closed for three weeks in November 1992.

With regard to the 1993-94 academic year, Khalil Mahshi noted in February 1994 that 'We consider this academic year the second year of "going back to normal"'. However, less than two weeks later, all Palestinian schooling was seriously disrupted by blanket punitive curfews imposed by the Israeli army in the West Bank and Gaza Strip in the aftermath of the massacre of twenty-nine Palestinians in the Al-Ibrahimi mosque in Hebron by an Israeli settler on 25 February 1994. All Palestinian schools and universities were effectively closed for more than two weeks immediately following the massacre due to military-ordered twenty-four-hour curfews. Afterwards, many teachers and students were prevented

from attending schools due to subsequent curfews and restrictions on movement imposed on individual towns and refugee camps. As examined below, for Gaza students studying in West Bank institutions, the closure marked an end to education altogether.

Army Raids, Detention and Maltreatment

As many human-rights organizations have documented, the launching of the peace process in Madrid in October 1990 did not stop Israel's escalating human-rights abuses in the Occupied Palestinian Territories. Palestinian students, professors and administrators continue to be subjected to a plethora of human-rights violations such as arbitrary detention, torture and ill-treatment under interrogation, and deportation, which characterize Israel's attempts to crush the Palestinian uprising, or intifada.

Army raids into schools and the killing of schoolchildren by army gunfire continued unabated. Indeed, the number of children under 16 killed by Israeli soldiers escalated dramatically in the 1992-93 school year. According to the Israeli human-rights organization B'Tselem, 'Thirty-eight [Palestinian children age 16 and below] were killed in the past six months (December 9, 1992 - June 8, 1993). This is more than double the number of children who were killed in the entire previous year.'[9]

In three separate incidents in 1992 and 1993, the Israeli army invaded university campuses, harassing students and faculty, and conducting violent searches in the process. In November 1992, the IDF surrounded Al-Najah National University in the West Bank town of Nablus during their student council elections, placing the university and its occupants under siege. A search of the university when students and faculty had been evacuated revealed no weapons or other material liable to incite. The intrusion of soldiers in university and school campuses is very provocative and creates an extremely dangerous situation where harmful confrontations can, and have, occurred, with tragic consequences. For example, on 16 November 1993, Rami Izzat Ghazawi, the 16-year-old son of Birzeit University professor Izzat Ghazawi, was shot in the abdomen by an Israeli soldier on the steps of the Al-Hashimiyeh Secondary School in Al-Bireh. Rami died on his way to the hospital. The findings of a state inquiry into the circumstances of Rami's violent

death have not yet been released to his father, or to the Association for Civil Rights in Israel, who have petitioned the Israeli Supreme Court.

Hundreds of Palestinian university students continue to be detained by the IDF and interrogated by the General Security Service (GSS), the Israeli intelligence branch. Birzeit University has recorded over 250 cases of detention of students in 1992 and 1993, with Al-Najah, and Gaza Islamic universities citing similar figures. Although detention figures have decreased slightly since 1990-91, patterns of arbitrary detention remain; according to the Birzeit University Human Rights Project, over 50 per cent of those students arrested in 1992 and 1993 were either released without charge after varying lengths of interrogation, served administrative detention orders (administrative detention is detention without formal charge or trial and is illegal under Article 10 of the Universal Declaration of Human Rights), or deported from their homeland. It is important to note that the Israeli authorities have continued to use administrative detention even after the signing of the Declaration of Principles — since 13 September 1993, Birzeit University has recorded five cases of administrative detention of its students, as well as over one hundred other detentions.

Despite international criticism about the ill-treatment of Palestinian detainees at the hands of Israeli interrogators, torture and abuse remain as pervasive aspects of the Palestinian prison experience. Detained students and educators are routinely subjected to isolation, sleep deprivation, tying in painful positions, hooding, and threats of violence against family members during their interrogations. According to the 1987 Landau Report on the activities of the Israeli General Security Service, which outlines guidelines for permissible interrogation tactics, a 'measure of moderate physical pressure' may be used in order to extract information from a detainee. Given that the exact definitions of permissible interrogation tactics are only contained in the secret annexes of the Landau Report, the line between 'moderate physical pressure' and torture becomes blurred, resulting in widespread inhuman and degrading treatment of Palestinian detainees, and even death. On 8 July 1992, third-year Birzeit University student Hazem 'Eid was found dead in his cell in the interrogation section of Hebron prison; the Israeli authorities have resisted all calls for an impartial inquiry, and the circumstances of Hazem's death remain clouded in mystery. Affidavits collected from Birzeit University

students detained by the occupation authorities after the signing of the DOP point to a disturbing continuation of brutal interrogation tactics. International organizations must continue to monitor and expose abuses of Palestinian detainees.

The 1992-93 academic year was also marred by the illegal use of mass deportations by the Israeli authorities against Palestinians, including many educators and students. On 17 December 1992, the Israeli government deported 396 Palestinians from the West Bank and Gaza Strip to a barren region of southern Lebanon; according to the Council for Higher Education, 27 per cent of the deportees came from the educational sector, including a number of university instructors, 14 administrators, 60 students, and 16 UNRWA teachers and employees.

It is a testament to the commitment of Palestinian academics and students that a university, named Marj-Al-Zuhur University, was formed among the deportees; courses on the Palestine question were conducted according to the requirements of the Council of Higher Education, which have been accepted for credit at the other universities. The deportees were forced to spend several months in a makeshift camp in southern Lebanon amidst severe weather conditions and food shortages before they were allowed to return to their homeland. In addition to the total prohibition on deportation in international law, the targeting of Palestinian academics, presumably for their ideas, is a violation of their freedom of thought and expression.

One of the most serious disruptions faced by the Palestinian education system in the period under review has arisen from Israel's restrictions on the freedom of movement of the Palestinian population, which has severely hampered Palestinian students and teachers. In particular, the situation of residents of the Gaza Strip deserves serious attention; if Gaza is to be first to exercise of self-government, Gaza residents must be able to exercise their individual rights. The difficulties posed by the closure of the Occupied Palestinian Territories and the bureaucratic discrimination against Gaza residents will be described in detail below.

Effects of the Closure of Occupied Territories

On 30 March 1993, the Israeli authorities sealed off the Occupied Territories, denying West Bank and Gaza Strip identity-card holders

entry into Israel, including annexed Arab East Jerusalem. The closure of the territories has been extended indefinitely, and Palestinian residents of the Occupied Territories are now required to obtain a special permit issued by the Israeli military government in order to enter Jerusalem and Israel. The closure has resulted in severe hardships for members of the Palestinian academic community, and there are no indications that the Israeli authorities plan to end their policy of restricting the movements of the Palestinian population.

The sealing of the Territories and the resultant isolation of Jerusalem have fragmented the Palestinian territories into four separate units: the northern West Bank, Jerusalem, the southern West Bank, and the Gaza Strip. Travel between these areas has been severely restricted, causing numerous difficulties for the academic community. For example: residents of the southern West Bank (Hebron and Bethlehem areas) are not allowed to travel through Jerusalem in order to reach the northern West Bank (Ramallah, Nablus, Jenin, Tulkarem) and vice versa. Roads that skirt Jerusalem are decrepit and dangerous; to use them is time-consuming; what is more, they lack public transportation. Faculty, students and staff who must travel between these areas have lost countless numbers of working hours negotiating alternative routes to their schools and workplaces, waiting at checkpoints, and being subjected to long bureaucratic processes to obtain entry permits. Residents of the Territories who attend or work at educational institutions situated in Jerusalem have suffered severe disruptions in their studies and work when they were forced to apply to the military government for permits to enter the city. According to an information sheet published in April 1993 by the Israeli human-rights organization B'Tselem, Jerusalem's educational institutions suffered between 50 and 75 per cent rates of absence of workers and students in the first two weeks of the closure. Residents of the Gaza Strip who attend or work at educational institutions in the West Bank (universities, UNRWA schools) have faced increasing difficulties in obtaining permits to travel to the West Bank or to Jerusalem. Many students who received permits to travel to the West Bank prior to the closure were refused permits without explanation after the sealing of the Territories, resulting in the loss of entire academic semesters for some university students.

By forcing residents of the Territories to apply to the military government for a permit to enter Israel and Jerusalem, the Israeli

authorities have instituted a pervasive and oppressive control system on the freedom of movement of members of the academic community. The permit system, which is characterized by bureaucratic hassles, lengthy delays and arbitrary refusals, allows the Israeli authorities to exercise the power to determine who may attend educational institutions, especially Palestinian universities. Those applying for permits are made to wait in long queues for hours, and often have to return two or three times in order to receive a response to their application; many are refused a permit with no explanation. Those who receive a positive reply are issued permits of very limited duration, usually one month or less, resulting in additional lost time as applications for renewals are made. This permit system also leaves Palestinian students and educators vulnerable to discrimination by low-level civil administration employees; several Birzeit University students from the Bethlehem region have registered complaints against one particular captain who has refused outright to issue any permits to Birzeit students or faculty.

In addition to the restrictions on freedom of movement described above, the closure of the Territories and the isolation of Jerusalem have also resulted in severe restrictions on school operations and academic activities. For example, hundreds of hours of both class and laboratory time were lost, especially in the initial weeks of the closure, as students and teachers were unable to reach schools and universities. Some educational institutions were forced to shut down as faculty and staff applied for permits. Academics with West Bank and Gaza identity cards are now banned from specialized libraries and archives, conferences, seminars, bookstores and numerous cultural institutions such as the Haram Al-Sharif, the Dome of the Rock and Al-Aqsa mosques, the Museum of Islamic Art, and major Christian churches and their archives, which are all situated in Jerusalem. Numerous academic activities, such as field trips and workshops, had to be cancelled when the military authorities refused participants permits to enter Jerusalem or Israel. At Birzeit University, student field trips to the Museum of Islamic Art, the Dome of the Rock, and Lake Tiberias all had to be cancelled due to permit difficulties.

Harassment of Gaza Students and Faculty

According to the Council for Higher Education, in the fall semester of the 1993-94 academic year, there were approximately 1,300 students from Gaza enrolled in West Bank universities, community colleges, and UNRWA institutions. By restricting the freedom of movement of Gaza residents through the imposition of an oppressive and arbitrary permit system, the Israeli authorities are seriously compromising the right of Gaza students to obtain an education at the institution of their choice.

The permit system imposed on Gaza residents wishing to travel to and stay in the West Bank requires that each Gazan have a magnetic identity card in order to exit the Gaza Strip, a permit to travel through Israel, and a permit to reside in the West Bank. This permit system leaves students and faculty constantly vulnerable to bureaucratic and discriminatory actions on the part of the civil administration and General Security Services. For example, each student must engage in lengthy application procedures, which include a security check by the GSS who have the power to reject any application without explanation. Hundreds of students' and several faculty applications have been rejected on the basis of information supplied by the GSS which can neither be verified nor contested by the applicant, who has no right of appeal. The arbitrary nature of these security measures is highlighted by the fact that GSS often confiscate or refuse to renew the exit permits they themselves have approved. Furthermore, students whose numerous applications were rejected on the basis of security considerations have subsequently been issued exit permits. The 'hit and miss' nature of permit applications suggests that the Israeli authorities are motivated by considerations other than those related to security.

Residency permits, which are issued to students and faculty on a sporadic basis, are usually valid for a period of three months or less, requiring them to apply for numerous extensions which are often refused. The application process often results in the loss of class time or the suspension of studies for a semester. Further, several students have had their magnetic cards, necessary for exiting the Gaza Strip, confiscated by the Israeli authorities for renewable periods of six months, thereby effectively destroying their ability to pursue their studies in the West Bank.

Students and faculty are often subjected to blanket restrictions on exit permits as a form of collective punishment imposed by the

Israeli military against Gaza residents. As a result of the military-ordered closure of the Occupied Territories in the wake of the Hebron massacre on 25 February 1994, all students are now prohibited from leaving the Gaza Strip. Consequently, many students from Gaza have lost the entire 1993-94 academic year. Students are putting their personal safety at grave risk in order to attend their classes in the West Bank.

Faculty and students from Gaza form an integral part of the Palestinian academic community in the Occupied Territories, and must be allowed to participate in and benefit fully from the educational opportunities that exist in West Bank institutions; the limited opportunities for higher education currently present in the Gaza Strip add urgency to this right. Students from Gaza must be allowed the unrestricted right to obtain and develop the skills and critical thinking necessary for the development of a functioning self-governing structure and civil society envisioned by the peace agreement. The Occupied Palestinian Territories form a single communal unit in every way, and efforts by the Israeli authorities to fragment this unit must be resisted.

The sealing of the Territories has dealt a serious blow to Palestinian academic freedom and intellectual life, as outlined briefly above. However, these restrictions on the right to education take place within the larger context of human suffering resulting from the closure, including severe loss of income as thousands of Palestinians are banned from their workplaces in Jerusalem and Israel; restrictions on access to medical facilities and places of worship in Jerusalem; and restrictions on lawyers visiting Palestinian detainees inside Jerusalem and Israel. The implications for the future, particularly in education, are grave: the fragmentation and ghettoization of the Palestinian community run contrary to the aims of education in a fundamental way.

Academic Freedom

With the return to campus, Palestinian students once again had the opportunity to elect their representatives to student councils. Given the political polarization in Palestinian society over the peace process, and the importance of these student elections as a barometer of public opinion, it is heartening that such elections were conducted by and large in a democratic atmosphere where

freedom of expression was respected. Indeed, students took a special pride in the fact, and frequently cited 'Palestinian democracy' as an important goal. In 1993-94, university campuses served as important centres for analysis and exchange of views on the peace process, and in particular on the agreements signed between Israel and the PLO. A positive atmosphere of academic freedom prevailed throughout the duration of several conferences, and the study days and seminars that were held to discuss the pressing political, economic and social issues facing Palestinian society.

Female enrolment at Palestinian universities, which had dropped during the intifada due primarily to the unstable security conditions, began to rise: new female students at Birzeit University in the 1993-94 academic year constituted 37 per cent of the new student enrolment. Other universities reported higher enrolments. The two universities in Gaza remained sex-segregated, with strict dress codes for female students. The turbulent years of the intifada have produced two trends affecting young women: on the one hand, the Palestinian women's movement is addressing the urgent imperative of a women's agenda, rather than simply mobilizing women on nationalist issues; on the other hand, a conversative backlash, fueled by political and social instability and by the rise of fundamentalism, threatens to impose further restrictions on women. The campuses will be an important site where issues around women will be contested. In this regard, the establishment of a Women's Studies Programme at Birzeit University is important; several other women's research and training institutes have been founded in the West Bank and Gaza which are not campus-based.

New Era, New Challenges

As the Gaza-Jericho First Accord is implemented, the 'Israeli military forces' will withdraw from Gaza and the Jericho area, with significant exceptions in areas of Israeli settlement, border crossings, and even main roads. The area of Gaza remaining under Israeli military control is estimated at about 40 per cent of the land area: indeed, redeployment rather than withdrawal more properly describes the situation in Gaza. The powers of the Israeli civil administration — again with significant exceptions — should be transferred to the new Palestinian authority in five specified

spheres, including education. This transfer is a form of 'early empowerment': further negotiations are supposed to conclude self-governing arrangements for the Occupied Palestinian Territories, excluding Jerusalem and the large areas reserved for Israeli settlements.

At first glance, the enormous burdens under which Palestinian education has been labouring for the past twenty-seven years of Israeli military occupation would seem consigned to the past, once the Declaration has been fully implemented. As the Educational Network has written:

> If the principles of this declaration are truly adhered to, it will be no exaggeration to say that, for the first time in their history, the Palestinian people will be able to implement and sustain their own education system. Gone will be the incongruities of the Jordanian and Egyptian curricula with which the West Bank and Gaza were respectively saddled; gone will be the arbitrary closure of schools and universities; gone will be the restrictions on teachers' freedom of association, and gone will be the censorship of textbooks and other obstacles and impediments, both petty and substantive, with which the Israeli regime sought to cripple Palestinian education as a collective punishment for the failure of the Palestinian people to comply with the dictates of the force of occupation and oppression.[10]

To be sure, positive developments can be anticipated when Palestinian educators, for the first time, have the ability to develop curricula, set standards, and improve deteriorating school facilities. The role of the authority, however, must be carefully assessed, As the Head of the Council for Higher Education, Dr Naim Abu Humos, notes:

> With self-government, a Council for Higher Education may develop with different authority and by-laws. This would give us the opportunity to re-organize higher education. We support a Council for Higher Education rather than a Minister for Higher Education, as we believe a Council for Higher Education could be an independent body supported by the government, rather than an official organ. It would promote democratic values. If the universities are part of the

> government, then the faculty are government employees and this could affect their freedom of expression.[11]

We presume as well that Palestinian teachers in the government school sector will finally possess such elementary rights as holding teachers' meetings and unionization. The Palestinian authority and its ministries, of course, must subscribe to universal standards of academic freedom and human rights.

However, a closer examination of the texts of the agreements and the situation on the ground yields a number of severe problems that the international community should consider and address. For peace to be stable and genuine, fundamental rights, including the right to education, must be fully observed. One fundamental problem that needs to be examined is that the Declaration gives Israel potentially wide powers over undefined 'security matters', which may well allow practices to continue that deeply affect Palestinian students and faculty, such as closure of institutions, arbitrary detention, excessive force, restrictions on movement, and torture and maltreatment. What is more, Israel's current restrictions on the freedom of movement of the Palestinian population may well remain in force; for faculty and students from Gaza, the provisions of the Declaration may provide no relief from the oppressive permit system to which they are currently subjected. For example, Israel's continued control over 'border crossings' in the transitional period must not be an excuse for the continuance of a discriminatory policy designed to 'de-link' the Gaza Strip from the West Bank by reducing the number of Gazan residents working and studying in the West Bank. Furthermore, the exclusion of Jerusalem from the agreement also raises a number of problems for Palestinian education. These are described briefly below.

Under the Declaration of Principles, negotiations on the issue of Jerusalem are to be deferred until final status negotiations, scheduled to take place within three years of the implementation of Palestinian self-government. This deferral has been accompanied by a vigorous Israeli effort to continue to alter the character of Jerusalem through an accelerated settlement campaign in and around the city. Arab Jerusalem, illegally annexed to Israel in June 1967 and an integral part of the West Bank, is increasingly a Palestinian ghetto surrounded by Israeli settlements.

Palestinian students in the ninety-one schools in Arab Jerusalem, over 50 per cent of them enrolled in private schools,

continue to study the Jordanian curriculum, as do their compatriots in the rest of the West Bank. Students in Gaza still study according to the Egyptian curriculum. At present, the initial and urgent task of Palestinian educators, now almost complete, is to develop a unified curriculum. It is obviously a high priority that Palestinian students in Jerusalem are fully included in the emerging Palestinian educational system. It is also imperative that Palestinian students and teachers may study or work in the school of their choice, whether their Israeli identity card defines them as residents of the West Bank or of Jerusalem. This right has been severely restricted by the closure of Jerusalem.

With regard to human rights in general and the right to education in particular, it is important that the new era brings a complete and immediate halt to the types of violations described above. The Declaration in and of itself has no absolute guarantees. As Al-Haq, the West Bank affiliate of the International Commission of Jurists, notes in a recent publication:

> the absence of any human rights provisions and the failure to agree expressly to the amendment of Israeli military legislation and practice raises serious questions as to the standard of protection of human rights, and the real potential for their improvement during the interim phase.[12]

Under the Declaration, the Israeli authorities retain the 'responsibility for defending against external threats, as well as the responsibility for overall security of Israelis . . .' Given the volatile mix of settlers and Palestinian population, Israel's definition of 'overall security' may well be very wide. It is therefore very important that existing security legislation, which allows the unbridled and arbitrary exercise of these powers, be amended or cancelled. For example, schools and universities in the West Bank are closed through the wide-ranging Military Order 378[13] ('Order Concerning Security Regulations'), which incorporates provisions of the 1945 British Emergency Defence Regulations, allowing detention without trial, restricting access to lawyers, and curtailing other aspects of due process. Freedom of expression and publication is curtailed through Military Order 101. Since the Declaration only allows the cancelling of such military orders through a joint review, effectively giving Israel a veto, it is urgent that the international community act to ensure that legislation which violates fundamental

principles of human rights be cancelled. In the case of education and the closure of universities and schools, the abrogation of draconian military orders, such as Military Order 378, is a high priority.

In sum, Palestinian education, in facing a new era, must not only confront the legacy of the past, but also the possible continuation of repressive measures that could seriously affect the development of democratic institutions and academic freedom. Here, the international community has an important responsibility to ensure that this does not come to pass and that Palestinian education is able to make a significant contribution to building a democratic, stable and free society.

Notes

1. At that time, the universities were Birzeit University, An-Najah National University, Bethelehem University, Al Quds (Jerusalem) University, Hebron University, and the Islamic University of Gaza. Recently, two more universities were launched: the Open University, which features long-distance learning, and Al Azhar University in Gaza, the product of a split in the administration of the Islamic University.
2. As the US-based human-rights organization Middle East Watch noted in April 1990: 'the closures are a form of collective punishment which is forbidden by Article 50 of the Hague Convention (1907) and Article 33 of the Fourth Geneva Convention.'
3. *Birzeit University Newsletter*, no. 22, July 1992, p. 1.
4. Tamer Institute for Community Education, 'Assessment of Achievement in Arabic and Math of Fourth and Sixth Grade Students in the Central Region of the West Bank', Tamer Institute, Jerusalem, 1991.
5. World Bank, *Developing the Occupied Territories: An Investment in Peace,* vol. IV, Human Resources, Washington DC, September 1993, p. 41.
6. *Ibid.*, p. 42.
7. Interview with Khalil Mahshi, director of Friends School, Ramallah, 21 February 1994.

8. *Educational Network*, No. 12, September 1993.
9. B'Tselem, 'The Killing of Palestinian Children and Open-Fire Regulations', B'Tselem, Jerusalem, 1993.
10. *Educational Network*, no. 14, February 1994, p. 1.
11. Interview with Dr Naim Abu Humos, Council for Higher Education, Ramallah, 14 January 1994.
12. Al Haq, 'A Human Rights Assessment of the Declaration of Principles on Interim Self-Government Arrangements for Palestinians', Ramallah, 1994.
13. See *Israeli Military Orders in the Occupied Palestinian West Bank*, 1967-1992, Jerusalem Media and Communication Center, Jerusalem 1993.

12. Access to Education for Refugees and Asylum Seekers in the Countries of Western Europe

WUS United Kingdom

> *'The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.*
> *The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.'*[1]

The National Committee of WUS in the United Kingdom undertook a pilot project on refugees' access to education and training in Europe during 1992-93. The following gives a summary of the findings of that study.[2]

For refugees, access to education and training are fundamental tools for rebuilding their shattered lives and settling in the new country. But full access to education and the labour market cannot be assured unless adequate language training is provided. However, language courses are by no means available to all asylum-seekers and refugees in the countries surveyed.[3] In fact special language provision for refugees paid for by the state is available only in a few countries. In other countries, refugees have to tap into the existing language provision and face adult education institutions with unsuitable provision and long waiting lists. In the remaining member states, some opportunities to learn the language are made available to refugees by non-governmental organizations and mainstream education institutions. For recognized refugees access is slightly improved, but out of the five countries providing special language provision, four make attendance of language classes obligatory. While in these countries refugees may lose welfare

benefits if they do not attend language courses, in the UK they can lose welfare benefits because they are attending full-time language courses, as this makes them unavailable for work. This is because refugees' special circumstances are not taken into consideration by the social-security legislation.

Opportunities for refugees to gain access to education and training vary from country to country. As a common rule, recognized refugees seem to enjoy broadly the same rights as citizens of the host country in terms of access to education, training and employment. However, a number of factors work to minimize the benefits that refugees may gain from equal rights. To begin with, even where rights exist there is no guarantee that they will be recognized, respected or correctly interpreted in practice. Indeed, this is exactly what a lot of refugees experience in the countries surveyed. On the other hand, there are also examples of service providers and institutions going out of their way to enable refugees to claim their rights and gain access to provisions.

Furthermore, some countries in practice restrict access to education and training by recognized refugees despite granting equal rights to them. For example, in Germany only refugees who have a certificate of competence in German can enter university. In the Netherlands, students cannot receive a government grant once they reach the age of 30. In Italy the limited allocation of university places to foreign students reduces opportunities for refugees. In Portugal, regional variations in provision make the policy of free access to training an empty promise.

In most countries recognized refugees are supposed to obtain study grants from the government concerned, administered at times through NGOs, as in Spain, the Netherlands and Germany. But the grant may only cover part of the costs, or it may be a loan to the student to be repaid once studies are completed, presenting difficulty for those with limited access to the labour market.

Women refugees tend to gain less access to grants than men. In Spain the level of grant aid is insufficient for any student with a family to survive. This means refugee women with children may well be excluded from taking up grants. Additional support needed by women with children is also absent in the UK. Refugee women may get a grant, but there is very little affordable child care available, which is vital for women to engage fully in studies. Courses that have child-care provision available are oversubscribed and waiting lists are long.

Asylum-seekers face even bigger hurdles in gaining access to education and training provision. In some countries access is totally denied to asylum-seekers, and where they have some access, funding to cover living costs and payment of fees as well as study materials is not available. Thus access to education institutions is not matched by the financial resources required to study.

For example, in Belgium further education and training is free and access to higher education open. However, asylum-seekers are not entitled to a government grant and have to depend on an NGO for support. In France the Ministry of Social Affairs provides an education programme for asylum-seekers in reception centres. They also have access to further and higher education, but are not eligible to obtain public grants. In Spain, asylum-seekers have access to higher education in theory, but in practice the entry requirements are too difficult to meet for the majority of refugees. In the UK, asylum-seekers can study if they can find the money for it, but the overwhelming majority cannot find funding and they have to study part-time and live on income support.

In all countries surveyed the rate of unemployment amongst refugees is substantially higher than that not only of white citizens but also of settled ethnic minorities. Under present unfavourable labour-market conditions, where millions of people are unemployed and where racism and xenophobia have found a new currency, opportunities for refugees to enter employment are limited. Estimates of unemployment levels amongst refugee communities vary from country to country, and from refugee community to community. Statistical evidence is hard to come by, but the proportion of refugees out of work seems to be no lower than 60 per cent in any country, and in some countries it is as high as 90 per cent. In Denmark, even after following an integration programme of eighteen months, only 10 per cent of refugees manage to gain meaningful employment.

As expected, asylum-seekers are particularly affected by unemployment. In only a few of the countries surveyed do asylum-seekers have restricted access to employment, and there is no access at all for them in the rest. In Belgium, asylum-seekers who applied for asylum after October 1993 cannot obtain a work permit. In France asylum-seekers who arrived before 1991 can work, but those arriving after cannot. In Germany those in reception centres have no right to work, and in the Netherlands only some can get a work permit. In the UK asylum-seekers can ask for permission to

work six months after applying for asylum.

Recognized refugees have greater access to employment, but they too face restrictions. Only France, Italy, the Netherlands, Portugal and the UK grant full employment rights to recognized refugees. Other countries impose restrictions, which include having to apply for a work permit for a specific employer, who, in some countries, has to prove that no native or EU citizen can be found to do the job. The length of time that a work permit is issued for can be limited, as is the case in Belgium, the employer has to apply for and pay for the permit.

Another factor that acts against refugees' access to long-term, secure and well-paid employment is the uncertainties surrounding their status. The majority of refugees with status have restricted leave; and despite the fact that the governments concerned have rarely followed a compulsory return policy, they nevertheless refuse to grant unrestricted leave to remain. This is a cause for concern for many employers who do not wish to employ people who may be expelled from the country at a future date.

As a result of these factors, the overwhelming majority of refugees in the countries surveyed have remained unemployed, and the majority of those in work are underemployed in comparison with their expectations, qualification levels and the previous work experience gained in their country of origin. It has become a pattern in Europe that even the most qualified refugees have to take up unskilled employment to survive. Consequently, the qualifications and skills that refugees have to offer are often wasted, and they are not allowed to make a proper contribution to the economy of their host country.

Notes

1. UN Convention relating to the Status of Refugees, 1951, article 22.
2. *Refugees and the New Europe. A Selected Directory of European Networking on Refugees, Education, Training and Employment.* World University Service (United Kingdom), March 1994, pp. 8-11.

3. *Refugees and the New Europe* includes country reports on Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and the UK.

13. Kosova

Peter Gstettner

Background

In the south of former Yugoslavia is the region of Kosova (or Kosovo), also known as 'Kosovo-Metohija'. The latter name is used by the Serb nationalist elements to underline their historical territorial claims to the region, as they consider Kosova to be the 'cradle of their nation'. The battle against the Turks on Kosovo Polje, the 'Blackbird field', in 1389 is remembered as a major event in the national history of Serbia. In 1989, the Serbian government took the opportunity of the 600th anniversary of this battle to restate its claim that 'Kosovo-Metohija' had always been Serbian territory and that it would remain so in the future.

Today, the Serbian presence in Kosova is quantitatively insignificant; there is strength, however, in Serbian political power, as Kosova is ruled from Belgrade with an iron hand. The everyday life of the Albanian population in Kosova is regulated by special police forces and large units of the army, which have spread a reign of fear and terror. Heavily-armed Serb military units are posted on the hills around the provincial capital of Prishtina, their tank guns aimed at the town centre.

Kosova is a traditionally multi-ethnic area where Albanians, who account for more than 90 per cent of the population, represent the major ethnic group, and Serbs, Montenegrins, Turks and Romanies represent almost 10 per cent, in a population of 1.7 million. Since 1981 the region has been the scene of violent and bloody conflicts centred on the Serbian-Albanian feud. It was this feud that ultimately lit the torch which led to the collapse of the state of Yugoslavia.

After the revocation of autonomy in the province of Kosova by the Serbian central government in 1989, the suspension, by force, of the parliament of Kosova in 1990, and breaches of the constitution that Europe and the rest of the world either accepted or simply ignored, the region found itself in a latent state of occupation and war. The Kosova Albanians reacted to the withdrawal of autonomy, originally granted by Tito in 1974, with a wave of strikes that brought all political and commercial activities to a standstill. At all

levels, the Albanian population refused loyalty and obedience to the Belgrade central government. Laws and special measures through which Belgrade intended to reassert its power were rejected and boycotted as 'Serbianization'.[1]

Seemingly unnoticed by a world which finds itself mesmerized and helpless in the face of the war in Bosnia, a new tragedy is developing in Kosova. The unequal trial of strength between Serbs and Albanians recalls the worst stages of the colonial era; under the euphemism of 'ethnic cleansing', Serbians are practising apartheid-like policies in the former Yugoslavia.

The isolation and the deliberate impoverishment of the Albanian population are further aggravated by the fact that the Serbian government has banned and severely punishes any attempt to contact Tirana, Albania's capital. For Kosova Albanians, crossing the Albanian border may be at the risk of death, as Serbian authorities refuse to grant border-crossing permits, whether for visiting relatives in Tirana or for academic or cultural purposes. The Albanian-language radio and TV transmissions from Tirana are jammed by the Serbian authorities and cannot be received in Kosova. Police raid frontier regions, towns and villages throughout Kosova primarily to pick up young Albanians for front-line service in the war in Bosnia-Herzegovina.[2]

There is a blanket ban on the reporting of any measures imposed by the Serbian government. The consequences of doing so can be extreme. All Albanians who were employed in the media sector (newspapers, journals, publishing houses, radio, television) and those who reported on breaches of human rights have been dismissed. According to the Council for the Defence of Human Rights and Freedoms in Prishtina, the use of force has been directed particularly against critical journalists, many of whom were killed, ill-treated, 'disappeared', or sentenced to between one and twenty-eight years imprisonment. As a result, neither the press nor radio and TV stations have been able to disseminate news about the situation of the Albanian population. With the closure of Albanian publishing houses and academic institutions, the Albanian ethnic group can no longer inform the outside world of the dramatic situation in Kosova.[3]

Discrimination in Education

After having forcibly withdrawn the region's autonomy, Belgrade imposed its educational system on Kosova in 1990. For most Albanian schools this meant that their courses were declared null and void. Serbian central laws that primarily concern the school curriculum, now require the same course contents in Kosova as in the rest of the Serbian Republic including the use of Serbian language and Cyrillic script. The new regulations also affect various authorization and entitlement provisions, ranging from examination regulations to quotas in higher education. All of these changes give a disproportionate advantage to the members of the Serbian ethnic group.

Under Serbian laws, Albanian language and culture only play a marginal role in the school curriculum. Under the previous system, which applied to all Albanian schools, Albanian literature accounted for approximately two-thirds of the literature curriculum, with the remainder consisting of Serbian, other 'Yugoslavian' and world literature. Now, Serbian literature accounts for three-quarters of the literature curriculum, even in the Albanian schools, while Albanian literature, preselected and vetted by Serbian experts, now amounts to only one quarter of the total. In music classes, the Serbian textbook for the first school grade contains fourteen Serbian-Slav songs, and only two Albanian. The teaching of history has similarly been 'Serbianized': Serbian history, essentially the account of the Tito partisan war, replaced Albanian history. Even in sports and gymnastics classes, Albanian music and dances have largely disappeared.

From 1989 onwards, the Albanian population reacted against these major changes to the system of school regulations — under which the Albanian teachers had, of course, been trained — with mass demonstrations and peaceful protests. The central government in Belgrade resorted to drastic measures to impose its laws: from autumn 1990, those Albanian teachers who had resisted the 'Serbianization' process were no longer paid and were finally dismissed from their jobs. Albanian schools were put under the control of the army and armed police; Albanian teachers and pupils were refused entry into the schools; and protesting teachers were interrogated, tortured and imprisoned. By 1991, Albanian pupils were unable to take the regular end-of-year examinations, and they have been without state school certificates since that time.

It has been reported that a total of approximately 26,000 employees, working within the Albanian educational system or cultural institutions, have been dismissed. Since autumn 1991 there have been no regular educational facilities for the estimated 320,000 children and young people of school age (Albanian sources even speak of students numbering up to 500,000). School administration and teaching staff have been changed in most schools, replacing Albanian teachers with Serbian staff. In addition to their regular salary, the newcomers receive bonuses amounting to more than double the Albanian teachers' previous salaries. Management positions have been entrusted to loyal Serbian staff who have been living in Kosova for a long time, were trained there, or previously occupied subordinate positions. These so-called 'forceful measures', which have led to the dismissal of the entire Albanian school administration, have affected six thousand secondary-school teachers. In the meantime, the new Serbian school directors and institution managers regularly employ police escorts. Schools and libraries are raided, pillaged and plundered by special armed forces, and Albanian teachers and trade unionists are regularly interrogated, arrested and tortured.

Crisis in higher education

The university system was among the first institutions to experience the eradication of Albanian language and culture. The University of Kosova was founded in 1969 through a decree passed by the parliament of Kosova. In the last twenty years, the university expanded considerably: students were taught in twenty-three faculties and colleges by more than 930 professors, in eighty different academic fields — generally in two languages, Serbian and Albanian, with Turkish used for some classes. During this time the university graduated round 58,000 students (33,820 in Albanian instruction) and more than four hundred doctorates were completed.

Repression of Albanian students and professors began following the riots of 1981. Albanians students were forced to take an entrance examination on their political opinions. Between 1981 and 1990, 1,873 students were refused permission to enrol because of their political views. Albanian lecturers who wanted to teach at the university were required to show their political loyalty to the Serbian state. When students or lecturers refused to recognize Serbian authority, they were dismissed from the university, and

often arbitrarily detained and tortured. As a consequence, during these ten years, the number of Albanian students in Prishtina decreased dramatically, while the number of Serbian students increased.[4]

In 1990, the situation reached a critical point; for example, teaching in Albanian was prohibited and meant instant dismissal. In November 1990, emergency measures were introduced at the Rectorate of the university,[5] and the vice-chancellor was stripped of his duties. By mid-October 1991, five hundred Albanian professors, lecturers and teachers had been removed from their posts. These mass dismissals, affecting every discipline, were based on false accusations, such as refusal to comply with the imposed emergency measures; refusal to participate in the organization of the new entrance examination; use of Albanian in everyday written or oral communications; or, participation in peaceful protests.[6] Only a small number of Albanian university professors, largely in subordinate positions, were able to retain their posts, a concession obviously made for the sake of appearances and to soothe public opinion. All research activity, which had previously extended far beyond the national borders, and all international academic contacts, were stopped. Massive police presence has prevented Albanian students from entering the university site to pursue their studies.

Serbian education policy also includes the introduction of ethnic quotas for students with respect to university entrance examinations. The composition of examining boards is also based on ethnicity and is now dominated by Serbs. The Serbian government has imposed quotas on a number of faculties at the University of Prishtina, into which a total of 1,500 Albanian and 1,500 Serbian students can be admitted. This ethnic ratio of 1:1 contrasts with a ratio of 9:1 among secondary-school graduates. In concrete terms, this deprives between seven and nine thousand young Albanians of the opportunity to acquire higher-education qualifications. In practice, more young Serbs are allowed to study at Prishtina than have obtained the required secondary-school qualifications in Kosova; and, as a result, the government has been desperately trying to attract Serbian students from other parts of the country to study in Prishtina. Potential Serbian students at Prishtina are allegedly being attracted by offers of special advantages, apartments and salaries.

Effectively, the University of Prishtina has been completely closed to almost all Albanian professors and students. Since the

1991-92 academic year, there have been no courses or lectures and no degrees or doctorates granted in Albanian at the University of Prishtina.

Parallel education

The continuing educational deprivation has forced the Albanians to take up measures of self-help. Many have started 'illegal' education of their children in apartments and private houses. Gradually, 'shadow organizations' were established parallel to the Serbian state educational system. According to the teachers' trade union 'Naim Frashëri', about 25,000 primary school pupils, 61,500 secondary school pupils, and 20,000 university students are actually taking classes through this initiative. Some of the pupils at primary level were able to return to their original schools, but were assigned to the worst school rooms, separated from the others by barriers; some students were even put in barracks.[7]

Money is also a problem. As teachers in the 'illegal system' receive no salary from the state, pupils must pay the teachers themselves or contribute in other ways to their subsistance. Most parents, however, are also affected by the political dismissals and do not have the means to pay for their children's education. Most of the families depend on a 'Solidarity Fund', into which all the Albanians who still have a job or any other income contribute. The main contributions come from Albanians who have fled the country or who have been living abroad for a long time.

Living with this underground school system is dangerous for everyone involved. At the beginning of 1992, the first violent incidents occurred when special police units opened fire on parents taking their children to illegal Albanian classes. In autumn 1993 there were further violent clashes when thousands of Albanians demonstrated against the continued closure of Albanian courses at state schools and universities. Serbian police units responded with extreme brutality, attacking the demonstrators with batons and tear gas. The majority of the many injured were treated in Albanian surgeries, also located in private apartments.

Critical Evaluation of the Conflict in Education

Whereas in the past the cohabitation of two populations in Kosovo was free of any serious ethno-political conflicts, the extreme form

nationalism of the last few years has pushed ethnic segregation further and further. Today, apartheid-like features can be observed in the segregation practised in schools which has become a means of suppressing Albanian language and culture. What began as the separation of children on the school playground has turned into a violent war between ethnic groups. Surprisingly, cultural and educational policies that have led to segregation are now also finding support among nationalist groups within the Albanian population. Ultimately, both sides have failed to acknowledge the positive aspects of regional multilingualism and multiculturalism, and to integrate these into the educational system. The obvious opportunity for conscious intercultural learning, within an educational system that had at its disposal a plurality of languages and cultures, was never exploited. The consequences of these failures at the structural level are now painfully apparent: separation along national divisions, formation of ethnic ghettoes, and ethnic 'cleansing'.

Tensions continue to intensify due to the fact that there is no direct communication between the two conflicting parties. Negotiations initiated by the Conference on Security and Cooperation in Europe (CSCE) and the European Union have so far been without any visible success, with the exception of a slight relaxation of the exclusion of Albanians at compulsory schooling levels — at the elementary-school level, the Serbian government has, from the start of the 1992 academic year, been willing to tolerate the 'illegal' Albanian schooling, and some elementary classes were reopened for Albanian teaching. However, the teachers do not receive salaries, and graduation certificates continue to be denied official recognition. The stalemate at the political level continues: on one side the Serbian government insists that curricula and textbooks used within the entire territory of Serbia must be approved by the Serbian state, while on the other side the Kosova Albanians insist that their children must be able to study in Albanian schools and at the university according to the former (autonomous) Kosova curriculum.

At the negotiating table the Albanian position can be summarized as follows:

(1) The school dispute should be internationalized in the context of European Balkan policies, because the Serbian leadership is considered an unreliable partner. Furthermore, only international

pressure could contribute to the ending of state terror, human-rights violations and harassment against the Albanian population.

(2) The problem is primarily a political one, since it was the revocation of the autonomy of Kosova in 1989 that caused the Albanian educational system and every teaching activity to lose all legitimacy. The establishment of private Albanian parallel organizations is only a temporary solution made necessary by the repressive Serbian policies.

(3) Instead of achieving partial solutions at uncertain intervals (for example, the half-hearted consent given to the 'illegal' Albanian elementary classes), all educational institutions must be reopened immediately and unconditionally. A solution must be reached that contains guarantees for an Albanian curriculum at secondary schools and universities.

Immediate international presence and international aid are necessary to prevent the conflict from deteriorating further, turning Kosova into a huge battlefield. Interethnic economic and educational projects must be set in motion in Kosova and, if necessary, secured by the presence of a UN peacekeeping force and supervised by independent international groups of experts.

An ethnically mixed education conference should be set up and established as a permanent institution with the help of an international group of education experts and advisers. In addition to the settlement of the conflict, this conference would also have the task of establishing a multicultural school system in Kosova that is attractive to, and provides equal opportunities for, all ethnic groups. A basic precondition for all of these measures is, however, the immediate demilitarization of schools and school environments.

The parties to the conflicts in the former Yugoslavia will no doubt have to be forced to abandon their plans for nation-state structures accompanied by ethnic homogenization and regional 'cleansing' programmes, and to adopt policies of intellectual and physical demilitarization of the ethnic and political situation, and thereafter return to a multicultural civilian society.

Notes

1. See also: Helsinki Watch, *Yugoslavia: Human Rights Abuses in Kosovo 1990-1992*, New York and Washington, September 1992, p. 59.
2. Council for the Defence of Human Rights and Freedoms in Prishtina, *Human Rights Violations in Kosova, August 1992-August 1993*, Report to the 45th Session of the Subcommission on Human Rights, Geneva, August 1993.
3. *Ibid*.
4. Information given by X. Xhaferi, president of the Independent University Trade Union Branch, December 1991.
5. Official Register of SR of Serbia, 26.11.90, No. 13/90, para. 429.
6. Professor Eshref Ademaj, (head of the Association of University Professors and Other Research Workers of Kosova), 'Report on the Destruction of the University of Prishtina by the Serbian Government, 1991'.
7. See also: Yigal Chazan, 'Albanian Pupils Get Cold Shoulder from Belgrade', *Guardian*, 20 February 1992.

14. United States

James North

American Higher Education: Once a Success Story

The higher-educational system in the United States has rightly been regarded as one of the nation's greatest strengths. Starting after World War II, a massive public spending effort expanded educational opportunity from one end of the country to the other. A huge programme to build various kinds of higher-educational institutions provided something close to universal access for all secondary-school graduates who wished to continue. The figures tell the remarkable story. In 1960, there were already 3.5 million college students in the United States; by 1980, there were 12 million. Community colleges — two-year institutions that could be used as stepping stones to four-year institutions — raised their enrolments from 400,000 in 1960 to more than 4 million by 1980. At universities, some 10,000 doctorates were awarded in 1960, a figure that reached 33,000 by 1980. The number of college teachers increased in the twenty-year period from 235,000 to 685,000. The federal government made a huge commitment to aiding students who wanted to continue their educations; expenditures on student aid (in 1980 dollars) rose from $300 million in 1960 to $10 billion 20 years later.[1]

In the late 1960s, in response to the civil-rights movement, American higher education made a meaningful effort to increase the number of black and other minority students. In 1960, blacks and minorities constituted only 6.6 per cent of undergraduate enrolments, many of them in the traditionally black colleges. Many higher-education institutions in the South still totally prohibited blacks from studying there. By 1978, legal segregation had been abolished everywhere, and minorities had risen to 13 per cent of undergraduate enrolments. Black faculty had nearly doubled.

There was other expansion of opportunity. From 1960 to 1979, the percentage of students from the bottom one-fifth of national income distribution rose from 8.7 per cent to 14 per cent. Women, in 1960 only 37 per cent of total enrolment, had risen to 51 per cent by 1980.[2]

This massive expansion seemed to be in the spirit of the Lima Declaration's recommendations, which include the following: 'Every

State should make available an adequate proportion of its national income to insure in practice the full realization of the right to education', and 'Access to the academic community shall be equal for all members of society without any hindrance.' As Townsend Harris, an early educator who was the founder of New York's respected City College system, had once outlined his philosophy: 'To open the doors to all. Let the children of the rich and the poor take their seats together and know of no distinction save that of industry, good conduct and intellect.'[3]

American higher education maintained its quality during this rapid expansion. Henry Rosovsky, the former dean of the faculty at Harvard, said:

> In these days when foreign economic rivals seem to be surpassing us in one field after another, it may be reassuring to know that there is one vital industry where America unquestionably dominates the world: higher education. Between two-thirds and three-quarters of the world's best universities are located in the United States . . . What other section of our economy can make a similar statement? No one has suggested that today America is home to two-thirds of the best steel mills, automobile factories, chip manufacturers, banks or government agencies.[4]

Foreign students continue to recognize this continuing high quality; their numbers kept on rising, from 331,000 in 1982 to 416,000 in 1991.[5]

However, by 1994, an increasing number of Americans had serious doubts about their higher-education system. First of all, during the 1980s tuition and other costs had risen tremendously, and those people who had children feared that they would not be able to afford college. Those in college were being saddled with an increasingly heavy burden of student loans, which they would have to keep on repaying for years after graduation; this burden could steer them away from studying the arts and humanities and into pre-professional subjects that would improve their chances of going into better-paying work. Lower-income students found that it was much harder for them to go on to college; black enrolment stagnated and even dropped for a time.

College administrators complained that they had to cut their budgets, and warned that educational programmes would suffer.

Americans with children in college discovered that their offspring were being increasingly taught by 'adjuncts', very low-paid, part-time teachers. Students sometimes took longer than the usual four years to graduate because fewer courses were offered less often, even the required ones. Americans also started to hear unusual sounds of acrimony coming from college campuses. Black students at a number of institutions complained that they were starting to hear racial taunts and insults, and there was even violence in some places. It seemed quite a change from the tolerant atmosphere that had prevailed from the 1960s onward.

Academic Freedom

The academic freedom debate in the 1990s was a dramatic change from the issues that had divided American college campuses twenty years earlier, during the Vietnam protest era of the late 1960s and 1970s. Then, a more left-wing student body had demanded that American universities end what the students and some faculty called immoral links to the US war effort. Widespread protest demanded that faculty members stop doing military and other government reearch, partly on the grounds that such work compromised university autonomy and integrity. There were successful efforts on many campuses to sever links with the Reserve Officers Training Corps (ROTC), an on-campus programme, administered by the US military, in which students got credit for courses in subjects like 'military science'. Back then, many junior faculty members who identified themselves as Marxists or leftists charged that they were denied tenure or reappointment due to their political views. Black and other minority students demanded programmes in Afro-American Studies and other changes. Some student newspapers claimed that heavy-handed administrators censored them. In many places, protesting students charged that they had been wrongfully expelled or suspended for taking part in peaceful demonstrations.

By the 1990s, these issues had faded. The public debate had turned to totally new issues: rising tuition and costs and cutbacks in programmes. Junior faculty no longer charged political discrimination, but struggled to survive as low-paid part-timers. Minority students could attend long-established programmes in Afro-American and Latino Studies, but faced a rising number of

verbal insults and even physical attacks from fellow students. Public debate was no longer about the military's role on campus, but over the a supposed cabal of 'politically correct', 'deconstructionist', 'multiculturalist' professors, evilly intent on brainwashing the young and impressionable into hating America and the West in general. This represented a massive change on campus, quite surprising at first, but, after consideration, understandable in the context of a stagnating American economy and diminishing prospects for upward mobility.

Access to Higher Education

Every September, in what has become an annual ritual, the College Board announces the latest average rise in tuition. For the 1993-94 school year, the increase ranged from 6 to 10 per cent, depending on the type of institution. Yet the overall rate of inflation was only 2.8 per cent. For more than a decade, it has been the same story. Edward R. Hines, a professor of higher education at Illinois State University, predicted, 'When the percentage increases are almost three times what the inflation is, people are going to say, "Too much".'

The cost of an American higher education has become frightening. The average cost for one year at a private four-year college, including tuition and fees, room, board, books, supplies, transportation and personal expenses, is $17,846 for students who live in campus housing and $15,200 for those who live at home and commute to college. At four-year public colleges, the total cost is still high: $8,562 for residents and $6,809 for commuters. Even at two-year community colleges, the least expensive, a commuter will spend $5372 a year.[6] The nation's GDP per capita is only $22,470, and even upper-middle-class parents are finding it hard to keep up. Many who in years past would have sent their children to private colleges are now enrolling them in the less expensive public institutions.

Another consequence of the increases is that black enrolment dipped in the 1980s, with a particularly worrying decline among black men (from 458,000 in 1982 to 436,000 in 1986, before recovering by the 1990s).[7] On balance, the United States was moving away from the Lima Declaration's Point 11: 'States should take all appropriate measures to plan, organize and implement a

higher education system without fees for all secondary education graduates and other people who might prove their ability to study effectively at that level.'

American college administrators say the tuition rises are partly necessary to compensate for stagnating or declining government support. Even private institutions depend on federal and state governments for about 18 per cent of their revenues. There was hope that President Bill Clinton would reverse the stingy policies of the Ronald Reagan/George Bush years, but his first budget greatly disappointed academe, including some who had supported him strongly for election. Julianne Still Thrift, the president of Salem College, said, 'These are the kind of cuts that we are used to seeing from Reagan and Bush, but a kick in the teeth hurts a lot more from a friend.'[8]

Although the financial crunch had started to ease slightly by the 1993-94 school year, administrators still faced a crisis. In California, the state with the largest public higher-education system, lawmakers cut spending for the fourth consecutive year. The University of California lost $88 million, or 4.7 per cent of its budget, and the state's community colleges suffered a $400 million, or 30 per cent, cut. One educator, Charles A. Ratliff, of the state's Postsecondary Education Commission, called the cuts 'devastating'. He went on: 'It is happening at a time when we have larger and larger numbers of Californians seeking higher education. We are making it less accessible to those who can least afford it.'[9]

In Oregon, over the 1991-93 period educators sliced $35 million from their budgets, 5 per cent of their state funding. They did it by eliminating seventy academic programmes, with another thirty threatened with closure.

Community colleges may be under the greatest pressure. These schools have typically catered to lower-income students, offering remedial courses to make up for what may have been poor secondary-school preparation. But the budget crunch has been forcing administrators to take a cold, hard look at remedial education. Phyllis Della Vecchia, the acting president at the Community College of Philadelphia, said that some of her faculty members fear that remedial courses are 'taking away resources from other parts of the curriculum that they value'.[10]

Discrimination

Another way that colleges have been cutting costs is by hiring part-time, low-paid people called 'adjunct', 'affiliate', or 'visiting' teachers. A study by the US Department of Education estimated that fully 58 per cent of college teachers are part-timers. They are paid as little as $1,000 per course, and have no job security, health or pension benefits. Many of them teach at more than one college, racing from campus to campus. In Illinois, for example, individual colleges are careful not to let the part-timers teach too many courses in a given semester, lest they have a legal case for full-time status.

Adjuncts, who are of all ages, include distinguished scholars and experienced teachers, a fact that administrators recognize. One high-ranking university official said: 'Part-time faculty offers us fine wine at discount prices. They are often very fine teachers, and our money goes further than when we put it all into full-time faculty. Furthermore, we can pour it down the drain if they have any flaws at all.'[11] That cynical philosophy affects especially women and blacks, who are more highly represented among the part-timers than they are on regular faculties. Also, adjuncts — underpaid and often overworked — may not have the economic security to conduct their own research. What is more, the insecurity of tenure has weakened efforts at union organizing. Michael R. Brown, a one-time adjunct, says: 'You are always at the mercy of the next semester. You are beholden to your supervisor. You can't make waves.' That the part-timers are so increasingly important in American higher education is a clear violation of the Lima Declaration's Point 5, which says, 'All States and institutions of higher education shall guarantee a system of stable and secure employment for teachers and researchers.'

In the late 1960s and early 1970s, increasing numbers of black and Latino students started appearing on what had been almost exclusively white college campuses. (Latinos are Americans of Latin American background, mainly Mexican-Americans and Puerto Ricans.) The change was mainly due to pressure from the civil-rights movement. At first, race relations on campus, although not perfect, were better than in almost any other area of American society. Survey after survey of student opinion showed that white students had more tolerant racial attitudes than just about any other group of whites. Even at colleges in the South, which had been segregated by law until the middle 1960s, the atmosphere improved

to the point where black students started winning elections to posts in student government.

However, in the mid-1980s, reports of racial incidents started to make news. Most of the episodes seemed to involve verbal or written insults. A black student at the University of Michigan walked into his French class and found a poster on the blackboard that read, 'A mind is a terrible thing to waste — especially on a nigger.' Also at Michigan, posters announcing 'White Pride Week' were tacked up around campus.[12] At Harvard and other campuses, a few students displayed Confederate flags, which black students and others regarded as an insulting symbol of the old slaveholding pre-Civil War South. Sometimes there was violence as well. At the University of Mississippi, the black fraternity house on campus was vandalized. Racial tension at Ohio University has exploded into fights in student residences. At other campuses, including the University of Massachusetts, there were even full-scale racial brawls.

The data do not suggest that large numbers of white students are turning into racists; studies showed that racial tolerance continued to prevail among the vast majority, and many white students rallied to support blacks after these episodes. But the presence of a nasty minority had started to become a fact of life on many campuses. One survey group recorded more than 250 such racial incidents at more than 200 colleges over five years; another reported a four-fold increase starting in 1985.[13]

Freedom of Expression

There have been two kinds of response to the new, tenser climate on campus. First, administrators at come colleges have issued 'speech codes' which forbid, within the college community, language that demeans individuals on the basis of race, national origin, religion, sex, sexual orientation, disability or age. Second, some students have taken matters into their own hands, confiscating thousands of copies of student newspapers that contain articles they say are insulting or demeaning. Both responses have received national attention (more than the racial incidents themselves did).

The constitution of the United States includes the First Amendment, which is one of the most radical freedom-of-expression statutes anywhere. Defenders of the new speech codes acknowledge that they may violate the First Amendment, or be, at best,

inconsistent with its spirit. But, they argue, a college is not the society at large. Colleges are voluntary communities, devoted to the search for and transmission of knowledge, and it is not going too far to insist that members treat each other with at least a minimum of civility and respect. Two professors, Richard Perry and Patricia Williams, argue: 'What has never been true is that one member of an institution has an unrestrained right to harass another member and remain in the good graces of the institution.' Also, the defenders of the speech code add, blacks, homosexuals and other minorities, who have historically been (and still to some extent are) victims of discrimination, must be encouraged to take full part in the life of the community, and they cannot do so if they are subject to insult.[14] Those who oppose the new speech codes form an unlikely alliance. Traditional conservatives heatedly argue that the 'multicultural leftists' who dominate major institutions are trying to gag their opponents and impose their own views by fiat. But others – leftists, libertarians, liberals, and First Amendment activists – also vigorously oppose the codes, insisting that freedom of expression is an absolute value that should not be abridged.

Nat Hentoff, an influential writer and free-speech advocate, has dissected some of the codes, and found what he calls 'astonishingly imprecise, vague, and overbroad language'. He argues that the codes are usually imposed by the administration, instead of coming about by student demand. He writes: 'Because there have been racist or sexist or homophobic taunts, anonymous notes or graffiti, the administration feels that it must do something. The cheapest, quickest way to demonstrate that it cares is to suppress racist, sexist, homophobic speech.'[15] Hentoff argues that people have an absolute right to even the most insulting hate speech. And he claims that the speech codes may also be stifling genuine debate on campus. Students whose religious views frown on homosexuality, or who have some doubts about 'affirmative action', may hesitate to speak out, for fear of being punished for being 'homophobic' or 'racist'. (Affirmative action means that colleges or other institutions make extra efforts to recruit and hire blacks and other minorities; some of its critics say it lowers standards and constitutes racism in reverse.)

Some perspective on this debate is offered by Barbara Ehrenreich, a well-known democratic socialist and writer, who notes that the speech-code controversy thus far has been played out 'chiefly among relatively elite college students on relatively elite college campuses'. She continues:

> Quite aside from the free speech issue, the problem is: Rules don't work. If you outlaw the use of the term 'girl' instead of 'woman', you're not going to do a thing about the sexist attitudes underneath. Changing sexist, racist and homophobic attitudes is a challenge for those of us who believe in a multicultural, just, and equal world. It is not a problem you turn over to the police, to the administration, or anybody else. The only route is through persuasion, education and organizing.[16]

Michael R. Brown, a professor of Communications at a non-elite institution, Mt. Ida in Massachusetts, has a similarly relaxed attitude. 'There is still a tremendous amount of racism in American society, even on campus', he says.

> College professors are socially uncomfortable people who don't deal with society very well. Speech codes are of course awkward, silly and somewhat superficial, but they are at least trying to deal with a real problem. You have socially inept people trying to confront a social ill by creating a structure instead of confronting it directly. Does this lead to absurdity? Of course it does.

More serious were the politically motivated confiscations of student newspapers. The Student Press Law Center in Washington, D.C., recorded fourty-four thefts of newspapers on at least sixteen campuses since the fall of 1992. Possibly the most publicized episode occurred at the University of Pennsylvania in April 1993, when a conservative columnist, Gregory Pavlik, published an article in *The Daily Pennsylvanian*. Pavlik's article attacked the late civil-rights leader, Dr Martin Luther King Jr., calling him a plagiarist and an adulterer. A covert group claiming to represent 'the black community' removed nearly all 14,000 copies of the issue from distribution points around campus, replacing the papers with leaflets that said the group was 'protesting the blatant and voluntary perpetuation of institutional racism' by the newspaper and the university. The university charged nine students with violating policy, but then later declined to punish them. The interim provost, Marvin Lazerson, endorsed freedom of expression, but said he preferred discussion and education to retribution. He said: 'We will be doing everything possible to get the students to work out

their differences. We will provide whatever mediation we can to help them. But the ground rule will be that no student can impede the expression of ideas.' Editors at *The Daily Pennsylvanian* said they were not satisfied with the outcome, and that the newspaper was considering suing the university to recover the cost of reprinting the confiscated issue.[17]

For many conservatives, their critique of speech codes was only part of a much wider indictment of American higher education. In 1987, a professor at the University of Chicago, Allan Bloom, published *The Closing of the American Mind*, a bitter critique that unexpectedly rose on the best-seller lists. It was followed by Dinesh D'Souza's *Illiberal Education: The Politics of Race and Sex on Campus*, which won the former conservative student activist a hearing on national television. Another book in the same spirit, by Roger Kimball, was called *Tenured Radicals: How Politics has Corrupted Our Higher Education*. The conservatives contended that a group of leftist/feminist/nihilist/deconstructionists, many of them former student radicals from the 1960s, had captured control of many departments at major universities, and were using their positions to impose a 'multicultural' curriculum that threatened academic freedom. The conservatives said this group of radicals advocated something called 'political correctness', p.c. for short. The radicals, they said, were discarding major elements of the Western philosophical and cultural tradition (the 'canon'), and replacing them with trendy pop courses that included readings by people selected on the basis of their colour or gender and that treated American cowboy novels with the same respect as Plato. The debate continued to attract national attention. When Stanford University discussed the possible revision of its one-year course in Western culture, which all first-year students are required to take, the issue was covered in the national press.[18]

The conservatives have failed to show any practical examples of discrimination against teachers or students who hold other views. They have not offered instances of junior faculty members denied tenure because they were not 'politically correct'; nor have they shown that students who did not follow the purported line suffered in grading or any other way. Nor have the conservatives tried to explain why surveys show that most American college students remain moderate, indeed more conservative than their predecessors

back in the 1960s and 1970s, despite the brainwashing they are supposed to be undergoing.

Conclusion

Why, then, has the conservative critique won such wide attention? Part of the explanation surely has to do with the slowing of economic growth in the United States over the past ten to twenty years. Americans of all classes have long expected that their children would have better lives than they did, but their doubts and anxiety are growing. Higher education has long been the best path of social mobility, but now, even though the cost is increasing tremendously, recent graduates are having trouble finding work. As George Orwell noted, if you are anxious about the society you live in but for one reason or another you have no programme for political change, then the first thing you will look at is education. So there will be continuing controversy on American college campuses in the years ahead.

Notes

1. Clark Kerr, *The Great Transformation in Higher Education 1960-1980*, Albany, N.Y. 1991, pp. xii-xv.
2. *Ibid.*, p. 151.
3. Quoted in ibid., p. 313.
4. Quoted in ibid., p. 360.
5. *The Chronicle of Higher Education*, 25 August 1993.
6. *The Chronicle of Higher Education*, 29 September 1993.
7. *The Chronicle of Higher Education*, 25 August 1993.
8. *The Chronicle of Higher Education*, 28 April 1993.
9. *The Chronicle of Higher Education*, 14 July 1993.
10. *The Chronicle of Higher Education*, 21 July 1993.
11. *Chicago Tribune*, August 30, 1993.
12. Dinesh D'Souza, *Illiberal Education: The Politics of Race and Sex on Campus*, New York 1991, pp. 124-8.
13. *Ibid.*, p. 125.

14. Richard Perry and Patricia Williams, *'Freedom of Hate Speech'*, in Paul Berman, ed., *Debating P.C.*, New York 1992.
15. Nat Hentoff, *Free Speech for Me — But Not for Thee*, New York 1992. See also Nat Hentoff, *'Speech Codes' on the Campus and Problems of Free Speech'*, in Berman, ed., *Debating P.C.*
16. Barbara Ehrenreich, 'The Challenge for the Left', in Berman, ed., *Debating P.C.*
17. *The Washington Square News*, 14 December 1993; *New York Times*, 29 December 1993; *Chronicle of Higher Education*, 22 September 1993.
18. James Atlas, *Battle of the Books*, New York 1992.

15. Haiti

Roody Edme

Political Background

On 30 September 1991, a bloody coup d'état put an end to Haiti's unprecedented democratic experiment. In deposing the country's first democratically elected government, the Haitian army replayed its historical role as arbiter and defender of the secular interests of the ruling oligarchy. This same army, throughout the electoral period, had supervised, seemingly without passing judgement, the process that brought Father Jean Bertrand Aristide to power on 16 December 1990. The symbolic power of his electoral victory, however, was too great. The existing players in the traditional political order were quick to understand the consequences of this 'democratic revolution'.

Following the downfall of the Duvalier dictatorship on 7 February 1986, Haitian civil society, newly energized, called for the establishment of the rule of law to replace the corrupt totalitarian regime installed by Duvalier thirty years earlier. The slogan *'Changer l'état'* ('Change the State') was heard across all organized sectors of the Haitian nation, transmitted by independent radio, by the state university campus, and by private universities in the capital.

Popular and professional organizations were created in most areas to secure a part in Haiti's future. In the educational sector, primary- and secondary-school teachers founded the Confédération Nationale, not only to defend teachers' rights, but also to promote the democratization of Haitian society. Students created the Fédération Nationale des Etudiants (FENEH); other student and teacher organizations joined in the movement toward constructing Haitian civil society as members of the Komite pou Lit Etidyan (KILE – Students' Committee) or the Conseil pour une Université Démocratique (CUD – Council for a Democratic University). Younger pupils established the Zafé Elèv Lekòl (ZEL – Pupils' Association) calling for a more democratic Haitian school system. Along with the free press, the academic sector was at the forefront of the struggle for change in Haiti. It is this process of struggle supported by effective social mobilization that led to electoral victory on 16 December, a victory that represented an important

step in the modernization of Haiti's political culture.

President Aristide chose to fight against corruption in public administration, the 'property' of Duvalier's party for a long time. A restructuring of the Haitian Customs operation was undertaken and the volume of contraband dropped considerably. A government plan to recover unpaid taxes and to open negotiations on the raising of the minimum wage met strong resistance from the main owners of the economy. Rumours of conspiracy, coupled with precipitate administrative and educational reforms, caused panic, revealing the precarious nature of this young Haitian democratic experiment. The primary objective of the subsequent coup d'état was, and remains, to ensure direct control of the state apparatus by the traditional political class. In any event, after October 1991, the orchestrators of the coup seemingly opted for a 'negotiated solution' to the crisis resulting from their action. This process disguised an underlying strategy: to buy time in order to bring about the control of institutions by means of repression.

The 'Governors' Island Accord' stipulated that the exiled President Aristide name Robert Malval prime minister. The latter was charged with reconciling the priest of the poor with the private business sector. Within days of the signing of the Accord, Haitian businessmen, among whom were those that financed the coup, gathered in Miami. The meeting ended with an exchange of accolades between the constitutional president and the president of the Chamber of Commerce, Mr Raymond Roy, with representatives of the Haitian and US private sector in attendance.

The feeling among coup supporters was strong. A paramilitary organization was born: Le Front Révolutionaire pour l'Avancement et le Progrès (FRAP). The country was plunged into a state of terror. It was from that moment on, that the social reconciliation sought by the international community had been compromised. Employing the spectacular methods of the 'calouards', reminiscent of the Duvalier period, armed civilians began operating openly with complete impunity, impeding the functioning of the Malval government and assassinating well-known supporters of democracy. On 14 October 1993, the minister of justice, Guy Malary, responsible for the law separating the police and the armed forces, was assassinated in the street. One reason for the Haitian army's refusal to enforce the Governors' Island Accord was the presence of a clause concerning the separation of police from the armed forces, which was consistent with constitutional prescriptions. The establishment of a civilian

police force would bring an end to the Haitian army's control and maintenance of public order. The army would no longer control civilian life and exert its influence over the economic, social and political affairs of Haitian citizens.

By the end of 1993, the Haitian political crisis seemed unsolvable. Prime Minister Malval's government, poised to resign, launched a last-ditch initiative calling for a 'Reconciliation Conference' to bring together all national forces, to be held during the first half of December. There are strong doubts whether such initiatives can be successful given the nature of the forces preventing the return of constitutional order.

The September coup d'état placed Haiti on the world stage, especially for those concerned with respect for human rights. Organizations such as Americas Watch, the Haitian Refugee Centre, and the Interamerican Human Rights Commission (CIDH), have not ceased sounding the alarm about the situation. One peculiarity of the case of Haiti is the existence of death squads that indiscriminantly target citizens. The numerous assassinations committed everyday in Port-au-Prince and elsewhere are no longer necessarily fuelled by political motives. No one, especially in the poorest neighbourhoods, is exempt. Often in broad daylight, cars filled with armed men run over people at random: a poor woman on her way home from church, a young man on his way to school, an industrial worker on his way to work in Delmas (a suburb of Port-au-Prince). It is difficult to establish the precise number of victims, as the death squads dispose of the bodies.

The educational community has not been exempt from repression either. On 15 November 1991, the national minister of education threatened to fire all public-sector teachers for having abandoned their posts — teachers who had, in actuality, remained at home in protest against the coup. Public school children were threatened with suspension for refusing to attend classes after 4 November 1991, the first official day of classes determined by the de facto minister Joseph Nerette.

Since early October 1991, tens of thousands have emigrated to the countryside from the capital's most populated areas. A conservative estimate suggests that as many as 100,000 people may have fled. (The sequence of events clearly demonstrates that the internal exodus began on 4 October 1991, following the coup d'état — well before the Organization of American States (OAS) call for an economic embargo of Haiti on 8 October. It is not the case that the

economic embargo caused the massive population displacement.) Continued desperate attempts at exodus toward the coasts of Cuba and Florida reflect directly on the levels of repression current in Haiti. When repression was at its height, the scale of internal exodus was very marked. For example, on 30 October 1993, the eve of President Aristide's anticipated return, a wave of brutal repression led many residents to flee to provincial towns.

The arrival of the OAS Civilian Mission and the UN — both charged with monitoring the human-rights situation — had a negligible impact on the state violence being perpetrated. The observers themselves were paralysed by the sheer degree of repression; indeed, a few days before 30 October 1993, observers were forced to leave the country.

The Education System

The Haitian school system is facing a grave and unprecedented crisis, one which, although is structural in nature, is also conjunctural, being rooted in the country's chronic instability. As early as 1977, experts from the National Pedagogical Institute observed that the Haitian educational system, on the whole, is not adapted to the country's realities and does not help to resolve development problems. They called for urgent reform of the Haitian school system. In providing a selective, structured course of learning, culminating in the award of a degree, the process of formal education traditionally confers power and social prestige. Graduates not only possess greater economic power in the labour market; the training they receive also increases their chances of participating in the administration of society. The elitist programme underlying the Haitian school system, however, has little relevance to current social, political and economic conditions. The repressive nature of the Duvalier dictatorship caused the best-trained professionals in education to seek work abroad. As a result, the Haitian school system lacks any coherent plan to serve society as a whole, and is not integrated with the job market; it is no longer able to ensure the reproduction of economic and cultural elites.

The educational structure, then, is not geared to meeting social demand. On the contrary, the training provided in Haitian schools is of a general nature with little bearing on the productive sectors of the economy. In response to the demands of the industrial and

service sectors, private institutes were established, independent of state control, to provide the necessary technical training (secretarial, computer programming, management, and so on). These represent initiatives by individuals who often lack the skills that are needed to organize such ventures effectively and provide teaching of the required standard. These schools therefore leave much to be desired. In the absence of state controls over these institutions to ensure minimum standards, many graduates find themselves in the job market with worthless qualifications. Diplomas granted elsewhere, although in theory equivalent, are held in higher standing.

In the absence of an explicit state educational policy, the private sector is principally responsible for education. According to the National Ministry of Education's most recent statistics, private teaching establishments represented 70 per cent of all primary-level schools between 1981 and 1983, 68 per cent in the academic year 1983-84, 71 per cent in 1984-85, and 72 per cent in 1985-86. The number of teachers employed in private institutions grew from 63.2 per cent of all teachers in 1981-82 to 64.6 per cent in 1985.

At the secondary-school level the disparities are even more significant. Private schools represented 90 per cent of all secondary schools in the academic year 1981-82, and 93 per cent in 1985-86. For the same period, the number of students enrolled in private secondary schools rose from 84 per cent of all students in 1981-82 to 89 per cent in 1985-86. The number of teaching posts in private schools rose from 81 per cent of all secondary teachers in 1981-82 to 85 per cent in 1985-86.

Non-religious, foreign schools, such as the Lycée Français, intended for rich families in the capital, follow their own programmes. Certain non-religious colleges provide relatively modern education for children of the comfortable petty bourgeoisie. At the lower end of the scale, an incalculable number of schools, wholly lacking in means, are trying to respond to the great demand for education. In rural areas, responsibility for educating the young peasantry is most often assumed by the Presbyterian and Protestant missions.

In 1978, a decree was issued that was supposed to end the differences between rural and urban schooling. According to the government, the decree was intended to create uniformity in the school system so that city dwellers and peasants might have the same opportunities. In reality, the measure was purely superficial. Rural students studied under considerably less favourable

conditions than their urban peers, with regard to school infrastructure, teachers' training and educational material. Although in theory a unified official school sustem exists in Haiti, the curriculum taught in the rural and urban sectors is not the same. The rural sector is, in fact, so neglected by the state and the educational authorities that it seems to exist in spite of them. For example, the student-teacher ratio in urban areas is 1:47, while in rural areas it is 1:73. Rural schoolteachers work under difficult conditions and often lack basic support. Parents who possess the means send their children to study in the city where they have a better chance of success.

These antiquated educational structures prevent Haiti taking its place in the modern world. Every year, primary- and secondary-school results point to the inefficiency of the current educational system in Haiti. The reform launched in 1979 has failed to make progress because it excluded, from the beginning, key constituents of the education community: parents and teachers. 'Education for development' remains a mere slogan; its future as a programme is uncertain given the country's chronic institutional instability.

Violation of Academic Freedom

A law enacted on 23 December 1947 established the first university in Haiti. In 1960 President François Duvalier founded by decree the Haitian State University in order to put an end to student-led protests against his totalitarian power. The idea was to create an entity that could be controlled. This initiative was taken in response to a celebrated strike organized by the Union des Etudiants Haitiens (UNEH), which was the first expression of serious open opposition to a regime whose dictatorial intentions had become clear. Yet state influence was never complete. Haitian university students continued their struggle in secret, including the publication and clandestine circulation of the UNEH magazine *Jeune Clarté* which continued for some time despite repression.

During the political liberalization of Jean-Claude Duvalier's regime in 1979, Science Department students and professors defied the regime by painting slogans demanding democratic education and insisting on the inviolability of university space. A turning point in the struggle to defend university autonomy and freedom

from coercive state control was reached in 1986. Organizations were formed at all levels. From students of the Fédération des Etudiants Haitiens to founding teachers of the Confédération Nationale des Enseignants and the Association of Post-Secondary Teachers (APESOP), all revealed a desire to shape the future of the university community. Behind the slogan 'Autonomous University' lay a call for greater academic freedom, modernization of UEH structures and, above all, a democratic university.

One year later the principle of autonomy was to be entrenched in the constitution, representing a great victory for the university community. In the interim, posts were opened up to competent and committed teachers from the Mexican, European and US diaspora. Yet, despite constitutional provisions, the various military regimes charged with the transition between 1986 and 1991 were never willing to accept the principle of university autonomy. In April 1987, historian Professor Roger Gaillard, dean of the Haitian State University (UEH) and ally of the higher-education associations, was publicly fired while developing a UEH reform project in cooperation with the academic community. All university attempts between February 1986 and December 1990 to develop rules and regulations as the framework for a new, autonomous university have met with the intransigence of various state authorities. Only after the 16 December elections did the climate become favourable to academic freedom: UEH submitted to the newly elected parliament a document prepared by UEH associations which reflected their vision of future university autonomy.

The Haitian State University was one of the institutions most affected by the 30 September coup. It soon became clear to de facto powers that the UEH, following tradition, would never accept a show of force. In November 1991, the police silenced a demonstration in favour of President Aristide by storming the Science Department building and arresting dozens of students. During the months following the coup, armed civilians systematically entered department classrooms and attacked students and professors. The resistance continued as the repression escalated. The nomination of a new *chargé de mission*, Gérard Bissainte, staunch opponent of President Aristide's return, showed the determination to reimpose arbitrary rule on the university. With the support of the national education minister, the de facto dean arbitrarily fired certain elected faculty boards.

The intervention of government authorities in the functioning

of UEH openly violated specific articles of the Haitian constitution. UEH professors active in the collective L'Université pour la Démocracie continued to support student demonstrations against measures imposed by the army and enforced by new academic authorities. The teachers' strike that successfully boycotted the opening day of classes on 1 February 1991 – a date set by Mr Bissainte – provoked a reaction that betrayed the regime's intolerance of opposition. Bissainte fired striking teachers, accusing them of propagating *pro-lavassien* (oppositional) ideas. This measure was aimed at clearing UEH of subversive elements.

One of the articles contained in the famous decree that created the UEH in 1960 under François Duvalier stipulates that any university applicant must present a police certificate stating that he/she does not belong to any communist group or association circumscribed by the state. More than thirty years later, Mr Bissainte introduced a similar measure violating freedom of expression and the right to ideological plurality at the university. It was decided in the last trimester of 1992 that a special student card would be issued by the administration. This card supposedly provides certain guarantees to its carrier, but in effect is a means of extending police control over students.

Limiting Freedom of Association

The violent repression experienced at the university has forced student and teacher associations to work in secrecy. The Fédération Nationale d'Etudiants Haitians (FENEH) has rarely given press conferences; on those rare occasions when it has, students appeared on camera with their faces hidden behind handkerchiefs. Infiltration was among the police authorities' main tactics. Once identified as agitators, students were followed and harassed by armed civilians. Every time the FENEH or the KILE tried to meet, university buildings were surrounded while open threats were transmitted by radio to 'troublemakers' said to have been manipulated by the government in exile and foreign diplomatic missions in Port-au-Prince. The closure of certain faculties, such as the Ecole Normale Supérieur, the Science Department, and the Humanities Department, was representative of measures taken to counter any student meeting. On 1 December 1993, armed civilian groups forced their way into the administration offices of l'Institut des Hautes

Etudes Internationales (INAGHEI), forcing the institution's elected officials to abandon their posts.

At the time of writing, nearly three years after the 30 September coup d'état, the repression continues at UEH as the military strives to tighten its grip on higher education. The Haitian military authorities' behaviour is in flagrant breach of the Lima Declaration's spirit of intent on freedom of expression. The university community is prohibited from discussing the political and economic difficulties that face Haitian society. An illustration is the case of Professor Laenec Hurbon of the University of Quisqueya, whose house has been searched several times and who for reasons of safety remains abroad. Professor Hurbon had worked with the OAS-UN civilian mission on the planning of civic education programmes.

In its preamble, the Lima Declaration reaffirms the need for education to be used to promote understanding, tolerance and mutual trust in society. Nevertheless, a climate of hatred and violence exists at the heart of UEH itself. Students admitted on non-academic grounds are pitted against the regular students to divide the university community. The right to education is also violated when students are expelled. For example, students of the Department of Agronomy were expelled in February 1992 for participating in a demonstration denouncing the removal of their dean, a man known for his integrity and independent stance vis-à-vis the authorities.

Following the events that led to the ousting of President Aristide, the Haitian university community has strived against adversity to carry on the business of producing and transmitting knowledge. What is more, professors and students have been made the objects of public accusations in the media controlled by the de facto authorities. Members of the Haitian university community have always claimed their right to participate in the functioning of the state under the rule of law. In protesting against the September coup, UEH students and teachers have demonstrated their determination to live in a society that respects popular sovereignty.

The Struggle for Autonomy Continues

The coming to power of Prime Minister Robert Malval, following his appointment by President Aristide in August 1993, was

accompanied by the return of elected school deans. A university council, presided over by Professor Gaillard and composed of student association members, has a mandate to prepare for the election of a new dean.

It is possible that the legitimate academic authorities will be able to resume control, but conditions remain very difficult. These authorities remain under constant threat from armed civilians, while the state offers little support. In this general climate of insecurity, the Ecole Normale Supérieur is particularly threatened. Armed groups, as well as old members of the Duvalier militia, wish to use the building as barracks.

For the Haitian academic community, then, the year 1993 ended with a feeling of great uncertainty. Although elected authorities were able to reclaim their positions in the university, concern remains regarding their physical safety as well as the means by which they can legitimately perform their duties. Constraints of both a political and academic nature remain, not the least of which is the official budget allotted to the UEH, which is far from enough meet to the considerable needs of the university. Certain schools and departments, such as the 'Hautes Etudes Internationales' and the Science Department, depend on international cooperation, which was suspended during the crisis following the coup. The present situation confronting the Haitian university serves only to reinforce the determination of its members to work toward the urgent restoration of constitutional order.

16. Peru

Sinesio López Jimenez

Political and Economic Background

The Peruvian novelist José María Arguedas wrote that Peru was 'a country of all bloods'. One would have to add that it is also a country of many geographical terrains, flora and fauna — a country of biological diversity. Even more, Peru is a country of many histories. Many peoples coexist in modern Peru: forest-dwelling tribes and ethnic groups, Quechuan rural communities from the mountain ranges, the Aymara from the high plains, peoples of mixed ancestry from both the cities and various regions of the country, blacks from some coastal zones, the white minorities settled in Lima and in the large cities, surrounded by the impoverished mixed-race middle and working classes.

The political parties' failure to confront the economic crisis and terrorist violence has distanced them from public opinion and from the social classes they sought to represent, and opened the door to the so-called 'independents'. In November 1989, Lima elected as mayor the independent Ricardo Belmont, owner of a television station, and in 1990 'independents' Alberto Fujimori and Mario Vargas Llosa competed for the presidency. The latter won the first round with the support of the liberal right, but the former won the second round with the support of the Alianza Popular Revolucionaria Americana (APRA) and the left. Once in the government, and after a trip around the international finance world, Fujimori made a 180-degree turn and steered the economy toward the International Monetary Fund technocrats, who received the immediate support of business leaders in the application of the largest adjustment in Peruvian history. Along with stabilization policies, the government pushed for deregulation of labour markets, goods and services, and finances. Inflation has been controlled at the high cost of a deep economic recession, and Peru has been reinserted into the world economy, paying a third of its perceived financial income each month.

In November 1991, using the powers delegated by the legislature, Fujimori expedited, in addition to some three hundred legislative decrees enabling market deregulation, thirty legislative

decrees regarding pacification, through which the democratic regime was transformed into a *'democradura'*. This is to say that power was concentrated in the presidency of the republic and in the presidency of the joint command of the armed forces. It subordinated regional governments to the political-military commands, and decreed the mobilization of the citizenry, but timidly maintained the formalities and institutions of the democratic regime. In the face of the rejection by all political parties of this change in political regime, Fujimori and a segment of the armed forces organized and carried out a takeover on 5 April 1992, closing parliament, suspending in judicial power, and displacing the regional governments. The parties as representative actors were replaced by the real actors: business leaders, international financial organizations and the armed forces, which, together with engineer Fujimori, co-governed Peru from that time on. In the face of pressure from the Organization of American States (OAS) and the US government, Fujimori and his allies felt obligated to effect democratic transition[1]: to call a Democratic Constitutional Congress (DCC) – elected in November of 1992 – and a referendum, carried out on 31 October 1993, to approve the new constitution. The stalemate between the government and the opposition, brought about by the referendum, has opened the way to a successful culmination of the democratic transition in 1995.

In August 1990, following the recommendations of the IMF and the World Bank, President Fujimori's government introduced the most difficult adjustment in Peruvian history, in order to correct relative prices, reduce fiscal debt, and recuperate international reserves. Inflation dropped from 7,560 per cent in 1990 to 139 per cent in 1991, to 57 per cent in 1992, and to 40 per cent in 1993, at the cost of a heavy recession which the GNP contracted at –4 per cent in 1992. At the beginning of 1991, the government initiated an intense process of neo-liberal structural reform; this consisted of market deregulation of labour, goods, services and capital, with the aim of establishing a productive economic structure which would be more open and competitive in the world market, and creating a minimal and flexible state. The effects of these neo-liberal changes have been diverse, but those with the greatest social impact were a drop in employment, escalating poverty, and a drastic reduction in state social spending. In 1992, the larger business sector (firms employing a minimum of five hundred workers) reduced personnel by more than 10.6 per cent, in addition to restructuring their managerial teams and temporarily closing plants and production

centres. All sectors of production reduced their levels of employment, especially trade (down 15.6 per cent), services (down 11.8 per cent), and industry (down 9 per cent). Full-time employment dropped from 59 per cent in 1988 to 15.5 per cent in 1991, while underemployment rose from 37 per cent to 78.5 per cent in the same period, with joblessness remaining nearly stable at around 6 per cent.[2]

The most recent adjustment programmes have aggravated the problem of poverty, which was already critical before their application. Using an integrated method which combines a focus on poverty with unsatisfied basic needs, the United Nations has found that 70.7 per cent — 15 million of the 22 million Peruvians — live in poverty. Of those, two-thirds are located in urban areas, and one-third in rural areas. It is possible to differentiate three levels of poverty. The first, extreme chronic poverty, in which income does not cover nutritional needs, affects 19.5 per cent of the population — in other words, 4.5 million Peruvians, most of whom live in rural areas. The second, non-extreme chronic poverty, in which income covers only nutritional needs, also describes the conditions of 19.5 per cent of the population. The third, conjunctural poverty, in which incomes have dropped as a result of the adjustment, thereby affecting the satisfaction of basic needs, affects 6 million Peruvians — workers, dismissed public employees, itinerant workers, and other sectors of the urban population.[3]

The last crisis and the 1990 adjustment also affected public social spending (education, health and housing), which reached 4 per cent on the GNP in the 1970s, and which dropped to 1.8 per cent in 1991. This is the lowest level in recent decades. In effect, per-capita social spending reached US$156 in 1970, rose to US$184 in 1990, and then dropped to US$30 in 1991.[4]

Human Rights[5]

In the 1980s, Peru headed the list of countries in which human rights were systematically violated. In the initial period, national and international human-rights organizations denounced Peru, primarily paying attention to human-rights violations committed by the state and armed forces. Subsequently, when evidence came to light that Shining Path constituted one of the cruellest guerrilla

forces in the world, the United Nations categorized it as an active and systematic violator of human rights in Peru.

The statistics on death and violation of human rights are frightening. In thirteen years of terrorism — from both Shining Path and the state — 27,292 people have died, the majority of whom were civilians (11,638) and guerrillas (12,900). A total of 23,182 terrorist attacks have taken place, primarily (11,937) during the government of Alan García (1985-90), at a cost of more than US$20 billion, the equivalent of Peru's external debt. There have been approximately five thousand disappearances. Some 600,000 displaced persons were forced to leave their place of origin.

The zones in which violations of human rights were concentrated are those declared to be in a state of emergency. These cover 40 per cent of the national territory and 50 per cent of the population. They are organized as small regional *satrapies*, and constitute scenes of war. In these zones, Shining Path, the Tupac Amaru Revolutionary Movement (MRTA), the armed and police forces, civil defence committees, and paramilitary organizations violate the human rights of the population on a daily basis.

The violation of human rights on the part of Shining Path and the MRTA, the guerrilla organizations, range from kidnapping and forced integration of sectors of the population through scare tactics, assaults, armed shutdowns, and *ajusticiamiento*, to torture and massive and selective assassinations. No data exist on violations of human rights attributable to guerrilla organizations, but they probably comprise about half of those recorded in the country. For its part, the Shining Path offensive focused on popular leaders in both rural areas and cities who obstructed their plans for expansion; on local authorities, who were seen as representatives of the state; on organizations of rural workers and neighbourhoods; as well as on the police and military forces. One of the most prestigious popular leaders assassinated by the Shining Path was Maria Elena Moyano, acting mayor of Villa El Salvador, whose body was blown to pieces.

Human-rights violations by the police and military forces range from supression of peaceful social and civic protest movements; through arbitrary detention, torture and rape; the persecution and jailing of human-rights defenders; to kidnapping and extra-legal executions. One of the most scandalous cases of mass extra-legal execution, for which those primarily responsible have not been punished, was the kidnapping, execution and cremation of nine

students and a professor of the Universidad Nacional de Educación La Cantuta in July 1992.

The La Cantuta case is illustrative of the overwhelming power of the military junta, extending as this did to interference by the Democratic Constitutional Congress and the executive in the judicial process in order to change the rules of the democratic game. In this case, judicial authority was ceded to the military *fuero* (military jurisdiction), where responsibility was concentrated in the hands of commanders in the field; members of the military junta and the National Intelligence Service (NIS) were pardoned; and arbitrary sentencing policy was applied – all of which rendered the proceedings illegitimate and trampled on democratic values. Such was, and is, the response in Peru to the waging of guerrilla warfare.

The Education System

As with other aspects of the economic, social and cultural life of the country, the educational system has undergone an important transformation in the course of the century. The most important changes relate to the massive extension of educational provision, which made Peru one of the most literate countries in Latin America by 1990; previously it had one of the highest illiteracy rates in the continent – in 1940, 57 per cent of the population above the age of 15 was illiterate.

The Peruvian educational system is currently organized on four levels. The first level caters for those under 6 years of age, and comprises the so-called 'nests', since day-care centres do not exist as such in the country. This sector is concentrated in the nation's large cities, and is used by the children of the middle and upper classes. The second level, that of elementary education, caters for children over 6 years of age and to illiterate adults; it comprises six educational grades, each of which has a duration of one year. This level is compulsory and, in the state educational centres, free of charge.

The third level, that of secondary education, is intended for those who wish to continue studying after having completed elementary school; it comprises five educational grades, each lasting one calendar year. The first two years are taken in common by all students, whatever their subsequent field of specialization, and comprise technical (agricultural, artisanal, commercial and industral)

and general secondary curricula, with the latter predominating. This level, also offers two modes of study: day schools for minors and night schools for adults. In the state educational centres, this level is also free of charge.

The fourth level is higher education, which offers two modes: short study programmes, which are offered by the higher schools and institutes, and which last four or six semesters; and university degree programmes, which last at least ten semesters. Studies at this level in the institutes and state universities were free of charge until the approval of the new constitution (October 1993), which discriminates between those who can and those who cannot pay for their studies at state universities, as well as those who have failed examinations, who must also pay.

Educational provision has changed dramatically in Peru in recent decades, especially since 1950.[6] In 1981, schooling rates reached 90 per cent in the 6-14 age group and 54 per cent for youths 15-19 years old. In the case of those over 20, especially between 20 and 24 years of age, school attendance rates are, at 24 per cent, quite high, even by international standards.

Along with the expansion of educational provision, the difference in schooling rate was reduced, both between departments and between rural and urban areas. Using the 6-14 age group as a reference, the average schooling rate in 1940 was 33 per cent within a range of departments which ran from 10 per cent to 68 per cent, while in 1981 this rate reached 87 per cent within a departmental range from 76 per cent minimum to 97 per cent maximum.

It is likely that the expansion in educational opportunity has taken place at the expense of its quality; this can be seen in the difference in performance between the private and public (state) school sectors, of which the former has the advantage.

Elementary education

The constitution of 1933 determined the compulsory character of elementary education and established that it would be free of charge in state educational centres. Despite this, elementary education, being the principal educational attainment level of the majority of literate Peruvians, did not reach spectacular levels while Peru remained a predominantly rural country. Precise statistics are not available, but it is likely that Peru's long economic crisis dating from 1987 and including the adjustment of 1990 and the political violence from the 1980s up to today, have decisively affected school

attendance, especially in the poorer sectors of both rural areas and cities. Repeating of years and early leaving reached 10.2 per cent and 6.2 per cent respectively in 1990.

The state has supported the rapid expansion of elementary education, as it has encouraged growth in the other sectors. State provision within elementary education has remained between 86.1 per cent and 88.2 per cent over the last thirty years. The great proportion of total state spending on education has been directed toward this sector. Nevertheless, in recent years such spending has been dropping — from 59 per cent in 1965 to 43 per cent in 1987 — to the benefit of secondary and university-level education.

Secondary education

Secondary education has also experienced dramatic expansion, but changes in curricula and teaching methods have not kept pace. With the exception of the university sector, secondary education has undergone the biggest growth in the last fifty years: from 4.7 per cent of the literate population over 15 years old in 1940 to 36.3 per cent in 1985-86. An equally dramatic increase occurred in the 15-19 age group — the years of majority secondary education — which rose from 17 per cent in 1940 to 54.3 per cent in 1981. Rapid growth began in the 1950s and 1960s, following the establishment of free secondary education in 1946 by the Democratic National Front and a process of rapid urbanization. It is likely that early school leaving — due to the economic crisis and political violence — has served to distort the figures somewhat; and therefore understate the true picture. The state has underwritten the educational explosion in the secondary sector. In the last thirty years, state provision within secondary education has fluctuated between 69.9 per cent in 1960 and 86.6 per cent in 1990, while public spending in this field has risen from 23 per cent of the educational budget in 1965 to 30 per cent in 1987.

The Right to Education

Education is a democratic right and, as such, has followed the fortunes of democracy. When the latter took on a restrictive character, access to education was also restricted, becoming the exclusive right of the middle and upper classes. When the

democratization process expanded, access to education was also democratized and seen as everyone's right.

During the long period of oligarchic state rule (1895-1968), two elitist models of education were developed: that of the philosopher Alejandro Deustua,[7] and that of the judge Manuel Vicente Villarán.[8] Deustua argued that education should concentrate on the elite, and that the state should not waste resources on educating the other social classes, especially the indigenous and working classes. He maintained that such classes had effectively been turned into machines by their own culture and by colonial domination, and that it was useless to try to transform them. State energies should concentrate primarily on university education, which was where the governing elite was educated. The Organic Education Law of 1901 and its reformulation in 1902 was strongly influenced by the views of Alejandro Deustua. Villarán, on the other hand, proposed various types of generalized, but hierarchical, education, which would take into account the interests and needs of the various social classes. According to his schema, the upper classes should reach university level, the middle classes the secondary level, the working classes the primary level, and the indigenous people should have access to a special work-based education. Villarán's perspectives were formalized in the Instruction Law of 1920, which was specifically drawn up for a reform commission over which he himself presided.

In 1985-86, the illiterate among the total population above 15 years of age numbered 16.6 per cent.[9] The percentage was 6.2 per cent in the cities, and some 36 per cent in rural areas. Considered regionally, the average illiteracy rate on the coast (6.9 per cent) and in Lima (4 per cent) was similar to that of the other cities, while that of the mountains (31.1 per cent) and the forest (23.2 per cent) approached that of rural areas. In terms of gender, the great majority of iliterates were women (73.8 per cent). From a social perspective, the educational attainment of those heads of household in metropolitan Lima who, in 1990, could be considered to live in conditions of poverty was split between elementary (41.05 per cent) and general secondary (39.14 per cent) levels. The educational attainment of those who were not considered poor was divided between general secondary (42.48 per cent), primary (23.62 per cent), and university (21.71 per cent) levels. Reliable data on the educational attainment of heads of household in metropolitan Lima is not available. However, the following estimates are likely to be fairly accurate. Of the integrated or not poor (44 per cent of the

population) 68.9 per cent, had a university education, 63.3 per cent, a non-university higher education, 45.2 per cent a secondary technical education and 45.1 per cent a general secondary education. Of the chronically poor (17 per cent of the population), 62.5 per cent are illiterate and the majority (60 per cent) have studied only to elementary level. Of the recently impoverished (29 per cent of the population) 29.5 per cent have achieved the basic level of elementary education, 25.9 per cent, general secondary, 29 per cent technical secondary, 20.5 per cent, non-university higher, and 17 per cent university level. Of the passively devoid (10 per cent of the population) 20.2 per cent are illiterate, 20 per cent have only reached the elementary level, 14.3 per cent non-university higher, and 12.4 per cent the general secondary level.[10]

Academic Freedom

The legal and institutional status of higher education in Peru takes two forms: university and non-university. The latter sector comprises a group of schools and institutes which offer various short study programmes of between four and six semesters in length. University-sector higher education, on the other hand, includes various professional and academic study programmes, the minimum duration of which is ten semesters, depending on the discipline.

Access to higher education in Peru shows considerable breadth in comparison to other countries. The proportion of the population 25 years and older with higher-education qualifications is about 10 per cent, a statistic higher than that of Mexico (4.9 per cent), Argentina (6.1 per cent), and Brazil (5 per cent), and nearly equal to that of the United Kingdom (11 per cent). The numbers of both secondary-school graduates and applicants for higher education rose steeply between 1960 and 1988.

The legal and institutional status of higher education, especially at university level, has changed during the last thirty years, reflecting transformations in the political regime: of particular significance were laws passed in 1960, 1969 and 1984.

The University Law (N. 23733), passed by the constitutional government of Fernando Balaúnde in 1984, re-established university autonomy, student co-government, free tuition and the faculty system, suppressed the National Council of Peruvian Universities

(CONUP), and created the National Assembly of Rectors. In February 1990, Alan García's government passed Law 25203, which created the Fund for University Development (FEDU), with the aim of financing academics' salaries, scientific and technological research, university infrastructure, and the acquisition of assets and services. This law has been modified by the present Fujimori government; various taxes have been scrapped, which formerly financed university budgets, and these have been replaced by direct grants from the Treasury.

Over the last twenty years, centres of higher education, especially those in the provinces, have grown rapidly. Until 1970, there were 14 universities in Lima and 17 in the provinces; in 1990 there were 16 and 35 respectively. Until 1982, there were 36 technical higher-education institutes in Lima and 41 in the provinces; in 1990, these increased to 120 and 229 respectively.

With the growth of higher-education centres, the number of subjects offered also increased. In 1960, there were 44 university subjects, which increased to 96 in 1987. Non-university subjects totalled 3 in 1972, and increased to 70 in 1986. In that year the majority of non-university subjects (32) were geared towards the service sector, and only 19 towards the area of production. The university subjects, on the other hand were oriented both towards the area of production (49) and the service sector (47) in 1987. More than half (143) of the university programmes offered that are related to the area of production are in engineering, while subjects offered that are related to the service sector are in law and administration (92), social sciences (93), health (78) and education (64). Non-university programmes oriented to the area of production are mainly engineering (159) and agricultural programmes (115), while the majority (533) of all those related to the service sector are in the fields of law and administration (212) and education (189).

This reorientation of higher-education programmes over recent years has been in response to the social demand for modern and technical professions. The number of applicants to study law and administration increased from 11.9 per cent in 1973 to 29.8 per cent in 1987; to study engineering, from 16.5 per cent to 18.4 in the same period; and to study health, from 15.3 per cent to 20.8 per cent. Those applying for educational training, on the other hand, decreased from 35.5 per cent in 1973 to 14.9 per cent in 1987, and in social sciences from 15.1 per cent to 11.3 per cent in the same period.

State and private sectors

The state plays an important role in higher education, not in terms of setting programmes, but in the organization of the institutions, their functioning and funding. However, the growing trend in recent decades has been expansion of the private sector. Until 1960 there were only 8 state universities and 1 private; by 1990, the numbers were 287 and 23 respectively. In 1982, there were 43 public technical institutes of higher education; which qualify as non-university higher education; by 1990 this sector had expanded to 198 public and 151 private institutes.

In terms of demand for places, approximately 75 per cent of applicants opted for public universities during the period 1980-84. From the mid-1980s, this percentage decreased slightly. The preference for public universities is probably due to the fact that tuition is free. Notwithstanding the high number of applicants to public universities, these have only accounted for 65 per cent of the total university intake since 1984. Since then, private universities, having formerly attracted only a third of applicants, have accounted for almost half the total intake of university students. Despite this trend, the concentration of university students in universities in Lima has not shifted in favour of provincial universities.

The ratio of academics is similar to that of university students. Public universities absorb almost two thirds of teachers, although there has been a slight downward tendency in recent years. Significant differences exist in the terms of contract that operate in the two sectors. In the public universities, the percentage of permanent teachers increased from 63 per cent in 1969 to 71 per cent in 1983, while in the same period those in private universities decreased from 43 per cent to 31 per cent. Whereas in public universities 70 per cent of teaching staff are permanent, the same percentage in private universities are on temporary contracts. In the public universities, about 50 per cent of academics work full time, while in private universities, most academics (approximately 80 per cent) work part time.

If one considers the distribution of posts within the sector, it is clear that the structure has not changed significantly in either the public or private universities. In the former, there is a slight tendency towards increase in all categories: principal lecturers from 16 per cent in 1969 to 21 per cent in 1983; associated teachers from 14 to 20 per cent in the same period; assistant teachers from 21 to 24 per cent; internship tutors from 17 to 16 per cent; and assistant

tutors from 2 to 3 per cent. In the private universities, these proportions remained constant: principal lecturers 9 per cent; associated teachers 10 per cent; assistant teachers 11 per cent. The exceptions are the case of tutors, which increased from 9 per cent in 1969 to 17 per cent in 1983, and that of assistant tutors, which decreased form 6 per cent to 2 per cent in the same period.

The 1984 University Law related university teachers' salaries to those of judges, who are considered public servants on average pay. However, this bench mark has never been respected. Meanwhile, the minimum wage — which also constitutes the level of retirement pension — for university teachers with long service decreased from US$482 in 1969 to US$60 in 1986.

The greater proportion of resources for state universities cover academics' salaries. These accounted for, on average, 55.8 per cent of the total spending budget between 1950 and 1984. The main source of public university funding is the state, which contributed, on average, 87 per cent of funding over this same period. The universities' own funding barely reached 10 per cent over the same period; this contrasts strongly with the private sectors, where the universities' own resources reached 69 per cent.

Discriminatory conditions

Universities in Peru have experienced two periods of democratization: the period of university reform between 1919 and 1930, and the University Law (13417) of 1960. These two democratic initiatives coincided with the emergence and development of two important periods of wider reform, promoted by the Apra and the Communist Party in the 1930s, and by Acción Popular, the Democracia Cristiana, the Social Progresismo, and the Nueva Izquierda in the 1960s. These two periods of reform were linked to the two forms of modernization experienced in Peru this century: traditionalist modernization and development associated populist modernization.

This background explains why the doors of education in general, and universities in particular, have been open to the working classes, and especially to rural migrants, giving them the opportunity to develop their own political and intellectual stratum. Their access to power, however, has been forestalled by the elite that controls the state and by the entrepreneurial class, who have not only refused to allow these classes participation in politics and economics, but have cut educational resources, in particular the

budgets of the national universities. These public universities can therefore no longer offer the technical, professional, intellectual and political preparation required to train the country's elite, and to manage its political and economic structures. These people are now being groomed in private universities especially designed for this purpose. This rejection of the national-university sector by the elite illustrates the nature of the crisis, which has been worsened by the inability of university students and the national universities to stop the blockade. One possible reason for this inability is that student movements were politicized to the degree that extreme political groups were formed, disconnected form the social classes from which they came.

The chain of dictatorships, which have lasted longer this century than democracy in Peru, strengthened the blockade and the rejection of national universities by introducing censorship, control, repression, persecution, imprisonment of students and teachers, and even the closure of some universities, as well as the establishment of norms which suppressed their democratic organization and functioning. In addition to the blockade and the larger consequences of political dictatorship, other forsm of discrimination operate against specific sectors of the working class vis-à-vis the university: gender, extreme poverty, regional factors, race, ethnic grouping, ideology. Although the number of women applicants between 1960 and 1990 increased from 28 to 40 per cent, the numbers of entrants from 27 to 39 per cent, the total who matriculated from 25 to 36 per cent, and those who graduated from 17 to 40 per cent, the differences in education between men and women remain considerable, and operate to the disadvantage of the latter. What is more, the disparity between the number of women who matriculated and the number who graduated illustrates that the female drop-out rate is higher than the male.

During the last decade, poverty — especially recent poverty resulting from adjustment programmes — has caused social movement among middle-class students, particularly the children of state employees, who previously applied in considerable numbers to private universities but who are now prefering state universities. Regional discrimination within the university sector is most apparent in the quality of academic staff: Lima attracts the best teachers in all subject areas. Quantitative studies concerning discrimination on racial, cultural and ideological grounds do not exist, but there is a good deal of evidence. For example, companies

which offer jobs through the newspapers discriminate against students and graduates of national universities, a high proportion of whom are mixed race, with indigenous origins and supposedly left-wing politics. Another illustration of internal discrimination within the university system is the high graduation figures from private universities relative to the number of entrants. In 1988, for example, private universities took in 41.8 per cent of students, but registered 53 per cent of graduates.

A final point to be made is that the new constitution, which followed the coup on 5 April 1992, practically eliminated free tuition in state universities. The constitution distinguishes between those who are able, and those who are unable to pay for their studies, and between those who pass and those who fail examinations during their courses. Those who fail are forced to pay. As the students who fail are usually among those who are unable to pay, they are forced to leave the university.

Freedom of association and of expression

The university reforms introduced between 1919 and 1930 and in 1960 established university autonomy, student participation in the governing of the university, and freedom of thought. These democratic advances promoted a spirit of criticism regarding the discriminatory structure in existence, as well as stimulating scientific research and raising the academic level of teachers and students.

The movement with the highest level of organization was that of the students, and the most fragmented was that of the teachers. However, in recent decades, as a reaction to the economic crisis within universities, the movement that became stronger was that of academics, which often disturbed the organization of the university as an academic institution. The student organizations, which were politicized to an extreme, also contributed to the disruption. The aim ceased to be the improvement of academic standards within the universities, and their efficient functioning as organizations, but rather to induce the maximum number of students to join their parties. Sendero Luminoso (Shining Path) took most advantage of these mechanisms: it introduced violence as means of maintaining its power over students and teachers. Many teachers in different universities were assassinated by Sendero Luminoso while teaching in the classroom. As a consequence, terror spread through the universities, as it did throughout the country. Different governments, especially the dictatorships, used the activities of the

political and sectarian groupings as a pretext for attacking universities, refusing them funding, restricting their rights, introducing general repression them and intervening in their policies. Some national universities were taken over by the armed forces on the pretext that they were terrorist bases. Elsewhere, squads of soldiers set up base, painted university walls and opened fire at the minimal disturbance. As the university authorities have revealed their incapacity to bring order, most students have had to accept the authority imposed by the tanks. The crisis experienced in general by the political parties was accompanied by a sudden absence of political expression within the universities, and the subsequent appearance of 'independent' university leaders.

Research in Peru is carried out primarily within the university sector. In 1980, universities were in charge of 46.8 per cent of research centres and 55 per cent of research units, overseeing 61.8 per cent of projects and accounting for 56.5 per cent of research staff. Governmental institutes and those of other sectors play a relatively minor role in the overall research effort. However, the university sector in that same year received only 7 per cent of research funds; the government sector, for its part, claimed 82 per cent of total funding. Back in 1970, the distribution of research funds was much more equitable: 51 per cent for the governmental sector, and 42.7 per cent for the university sector.

In the period 1980-83 the majority of universities (16) oriented their research towards technology; only 4 placed equal emphasis on scientific research and technological research; and 5 carried out their research primarily in scientific fields. Not all university teachers engage in research work, of course: participation fluctuates widely — between 99 per cent (Universidad Agraria de Lima) and 3 per cent of staff (Universidad Particular de Lima - Private University of Lima), with the average standing at 41 per cent.

The proportion of projects that result in publication is very low. With the exception of the University Católica de Lima and of Villarreal, also in Lima, both of which publish more than 60 per cent of their finished research projects, most universities publish less than 25 per cent. The main reason for such low output, it must be stressed, is the lack of funding available to publish results of research.

In the 1980s, the crisis within national universities forced many teachers to leave and establish non-governmental institutes, which now amount to more than one hundred throughout the country. A

great proportion of research resources were directed toward such institutes during that decade. It is only in the past three years that national universities have slowly begun to recover in the area of research, due to the economic incentives which partially subsidize teachers' very low salaries.

Notes

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3. *Ibid*.
4. *Ibid*., p. 59.
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7. Alejandro Deustua, *El problema de la educación nacional*, Lima 1937.

8. Manuel Vicente Villarán, 'El factor económico en la educación nacional', in: M.V. Villarán, Lima 1962.
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Annex 1

The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education

Preamble

The Sixty-Eighth General Assembly of WORLD UNIVERSITY SERVICE, meeting in Lima from 6 to 10 September 1988, the year of the 40th anniversary of the Universal Declaration of Human Rights,

Bearing in mind the extensive set of international standards in the field of human rights which the United Nations and other universal and regional organisations have established, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the UNESCO convention against Discrimination in Education,

Convinced that the universities and academic communities have an obligation to pursue the fulfilment of economic, social, cultural, civil and political rights of the people,

Emphasising the importance of the right to education for the enjoyment of all other human rights and the development of human persons and peoples,

Considering that the right to education can only be fully enjoyed in an atmosphere of academic freedom and autonomy of institutions of higher education,

Recognising the essential vulnerability of the academic community to political and economic pressures,

Affirming the following principles pertaining to education:

a) Every human being has the right to education.

b) Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights, fundamental freedoms and peace. Education shall enable all persons to participate effectively in the construction of a free and egalitarian society, and promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups. Education shall promote mutual understanding, respect and equality between men and women. Education shall be a means to understand and contribute to the achievement of the major goals of contemporary society such as social equality, peace, equal development of all nations and the protection of the environment.

c) Every State should guarantee the right to education without discrimination of any kind as to race, colour, sex, language, religion, political or other

opinion, national or social origin, economic condition, birth or other status. Every State should make available an adequate proportion of its national income to ensure in practice the full realisation of the right to education.

d) Education shall be an instrument of positive social change. As such, it should be relevant to the social, economic, political and cultural situation of any given country, contribute to the transformation of the status quo towards the full attainment of all rights and freedoms, and be subject to permanent evaluation.

Proclaims this Declaration.

Definitions

1. For the purposes of this Declaration

a) 'Academic freedom' means the freedom of members of the academic community, individually or collectively, in the pursuit, development and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing and writing.

b) 'Academic community' covers all those persons teaching, studying, researching and working at an institution of higher education.

c) 'Autonomy' means the independence of institutions of higher education from the State and all other forces of society, to make decisions regarding its internal government, finance, administration, and to establish its policies of education, research, extension work and other related activities.

d) 'Institutions of higher education' comprise universities, other centres of post-secondary education and centres of research and culture associated with them.

2. The above mentioned definitions do not imply that the exercise of academic freedom and autonomy is not subject to limitations as established in the present Declaration.

Academic Freedom

3. Academic freedom is an essential pre-condition for those education, research, administrative and service functions with which universities and other institutions of higher education are entrusted. All members of the academic community have the right to fulfil their functions without discrimination of any kind and without fear of interference or repression from the State or any other source.

4. States are under an obligation to respect and to ensure to all members of the academic community, those civil, political, economic, social and cultural rights recognised in the United Nations Covenants on Human Rights. Every member of the

academic community shall enjoy, in particular, freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of person and liberty of movement.

5. Access to the academic community shall be equal for all members of society without any hindrance. On the basis of ability, every person has the right, without discrimination of any kind, to become part of the academic community, as a student, teacher, researcher, worker or administrator. Temporary measures aimed at accelerating *de facto* equality for disadvantaged members of the academic community shall not be considered as discriminatory, provided that these measures are discontinued when the objectives of equality of opportunity and treatment have been achieved. All States and institutions of higher education shall guarantee a system of stable and secure employment for teachers and researchers. No member of the academic community shall be dismissed without a fair hearing before a democratically elected body of the academic community.

6. All members of the academic community with research functions have the right to carry out research work without any interference, subject to the universal principles and methods of scientific enquiry. They also have the right to communicate the conclusions of their research freely to others and to publish them without censorship.

7. All members of the academic community with teaching functions have the right to teach without any interference, subject to the accepted principles, standards and methods of teaching.

8. All members of the academic community shall enjoy the freedom to maintain contact with their counterparts in any part of the world as well as the freedom to pursue the development of their educational capacities.

9. All students of higher education shall enjoy freedom of study, including the right to choose the field of study from available courses and the right to receive official recognition of the knowledge and experience acquired. Institutions of higher education should aim to satisfy the professional needs and aspirations of the students. States should provide adequate resources for students in need to pursue their studies.

10. All institutions of higher education shall guarantee the participation of students in their governing bodies, individually or collectively, to express opinions on any national and international question.

11. States should take all appropriate measures to plan, organise and implement a higher education system without fees for all secondary education graduates and other people who might prove their ability to study effectively at that level.

12. All members of the academic community have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests. The unions of all sectors of the academic communities should participate in the formulation of their respective professional standards.

13. The exercise of the rights provided above carries with it special duties and responsibilities and may be subject to certain restrictions necessary for the protection of the rights of others. Teaching and research shall be conducted in full accordance with professional standards and shall respond to contemporary problems facing society.

Autonomy of Institutions of Higher Education

14. All institutions of higher education shall pursue the fulfilment of economic, social, cultural, civil and political rights of the people and shall strive to prevent the misuse of science and technology to the detriment of those rights.

15. All institutions of higher education shall address themselves to the contemporary problems facing society. To this end, the curricula of these institutions, as well as their activities shall respond to the needs of society at large. Institutions of higher education should be critical of conditions of political repression and violations of human rights within their own society.

16. All institutions of higher education shall provide solidarity to other such institutions and individual members of their academic communities when they are subject to persecution. Such solidarity may be moral or material, and should include refuge and employment or education for victims of persecution.

17. All institutions of higher education should strive to prevent scientific and technological dependence and to promote equal partnership of all academic communities of the world in the pursuit and use of knowledge. They should encourage international academic cooperation which transcends regional, political and other barriers.

18. The proper enjoyment of academic freedom and the compliance with the responsibilities mentioned in the foregoing articles demand a high degree of autonomy of institutions of higher education. States are under an obligation not to interfere with the autonomy of institutions of higher education as well as to prevent interference by other forces of society.

19. The autonomy of institutions of higher education shall be exercised by democratic means of self-government, which includes the active participation of all members of the respective academic communities. All members of the academic community shall have the right and opportunity, without discrimination of any kind, to take part in the conduct of academic and administrative affairs. All governing bodies of institutions of higher education shall be freely elected and shall comprise members of the different sectors of the academic community. The autonomy should encompass decisions regarding administration and determination of policies of education, research, extension work, allocation of resources and other related activities.

Annex 2

The Kampala Declaration on Intellectual Freedom and Social Responsibility

Preamble

Intellectual freedom in Africa is currently threatened to an unprecedented degree. The historically produced and persistent economic, political and social crisis of our continent, continues to undermine development in all spheres. The imposition of unpopular structural adjustment programmes has been accompanied by increased political repression, widespread poverty and immense human suffering.

African people are responding to these intolerable conditions by intensifying their struggles for democracy and human rights. The struggle for intellectual freedom is an integral part of the struggle in our people for human rights. Just as the struggle of the African people for democracy is being generalized, so too is the struggle of African intellectuals for intellectual freedom intensifying.

Aware that the African states are parties to international and regional human rights instruments including the African Charter for Human and People's Rights and convinced that we, participants in the 'Symposium on Academic Freedom and Social Responsibility of Intellectuals' and members of the African intellectual community, have an obligation both to fight for our rights as well as contribute to the right struggle of our people, we met in Kampala to set norms and standards to guide the exercise of intellectual freedom and remind ourselves of our social responsibility as intellectuals.

We have thus adopted the Kampala Declaration on Intellectual Freedom and Social Responsibility on this 29th day of November, 1990.

May the Declaration be a standard-bearer for the African intellectual community to assert its autonomy and undertake its responsibility to the People of our continent.

Chapter 1: Fundamental Rights and Freedoms

Section A: Intellectual Rights and Freedoms

Article 1 Every person has the right to education and participation in intellectual activity.

Article 2 Every African intellectual shall be entitled to the respect of all his or her civil, political, social, economic and cultural rights as stipulated in the International Bill of Rights and the African Charter on Human and People's Rights.

Article 3 No African intellectual shall in any way be persecuted, harassed or intimidated for reasons only of his or her intellectual work, opinions, gender, nationality or ethnicity.

Article 4 Every African intellectual shall enjoy the freedom of movement within his or her country and freedom to travel outside and re-enter the country without let, hindrance or harassment. No administrative or any other action shall directly or indirectly restrict this freedom on account of a person's intellectual opinions, beliefs

or activity.

Article 5 Every African intellectual and intellectual community has the right to initiate and develop contacts or establish relations with other intellectuals and intellectual communities provided they are based on equality and mutual respect.

Article 6 Every African intellectual has the right to pursue intellectual activity, including teaching, research and dissemination of research results, without let or hindrance subject only to universally recognized principles of scientific enquiry and ethical and professional standards.

Article 7 Teaching and researching members of staff and students of institutions of education have the right, directly and through their elected representatives, to initiate, participate in and determine academic programmes of their institutions in accordance with the highest standards of education.

Article 8 Teaching and researching members of the intellectual community shall have security of tenure. They shall not be dismissed or removed from employment except for reasons of gross misconduct, proven incompetence or negligence incompatible with the academic profession. Disciplinary proceedings for dismissal or removal on grounds stated in this article shall be in accordance with laid down procedures providing for a fair hearing before a democratically elected body of the intellectual community.

Article 9 The intellectual community shall have the right to express its opinions freely in the media and to establish its own media and means of communication.

Section B: The right to form autonomous organizations

Article 10 All members of the intellectual community shall have the freedom of association, including the right to form and join trade unions. The right of association includes the right of peaceful assembly and formation of groups, clubs and national and international associations.

Section C: Autonomy of institutions

Article 11 Institutions of higher education shall be autonomous of the State or any other public authority in conducting their affairs, including administration, and setting up their academic, teaching, research and other related programmes.

Article 12 The autonomy of the institutions of higher education shall be exercised by democratic means of self-government, involving active participation of all members of the respective academic community.

Chapter 2: Obligations of the State

Article 13 The State is obliged to take prompt and appropriate measures in respect of any infringement by State officials of the rights and freedoms of the intellectual community brought to its attention.

Article 14 The State shall not deploy any military, para-military, security or intelligence, or any like forces within the premises and grounds of institutions of education. Provided that such deployment is necessary in the interest of protecting life and property in which case the following conditions shall be satisfied:

(a) There is clear, present and imminent danger to life and property; and
(b) The head of the institutions concerned has extended a written invitation to that effect; and
(c) Such invitation has been approved by an elected, standing Committee of the academic community set up in that behalf.

Article 15 The State shall desist from exercising censorship over the works of the intellectual community.

Article 16 The State is obliged to 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 any way interfere with the legitimate pursuits of the intellectual community.

Article 17 The State shall continuously ensure adequate funding for research institutions and institutions of higher education. Such funding shall be determined in consultation with an elected body of the institution concerned.

Article 18 The State shall desist from preventing or imposing conditions on the movement or employment of African intellectuals from other countries within its own country.

Chapter 3: Social Responsibility

Article 19 Members of the intellectual community are obliged to discharge their roles and functions with competence, integrity and to the best of their abilities. They should perform their duties in accordance with ethical and highest scientific standards.

Article 20 Members of the intellectual community have a responsibility to promote the spirit of tolerance towards different views and positions and enhance democratic debate and discussion.

Article 21 No one group of intellectual community shall indulge in the harassment, domination or oppressive behaviour towards another group. All differences among the intellectual community shall be approached and resolved in the spirit of equality, non-discrimination and democracy.

Article 22 The intellectual community has the responsibility to struggle for and participate in the struggle of the popular forces for their rights and emancipation.

Article 23 No member of the intellectual community shall participate in or be a party to any endeavour which may work to the detriment of the people or the intellectual community or compromise scientific, ethical and professional principles and standards.

Article 24 The intellectual community is obliged to show solidarity and give sanctuary to any member who is persecuted for his intellectual activity.

Article 25 The intellectual community is obliged to encourage and contribute to affirmative actions, to redress historical and contemporary inequalities based on gender, nationality or any other social disadvantage.

Article 26 Members of the intellectual community may further elaborate and concretize the norms and standards set herein at regional and pan-African level.

Article 27 It is incumbent on the African intellectual community to form its own organizations to monitor and publicize violations of the rights and freedoms stipulated herein.

Index

Abdalla, Abdelal 81
academic freedom, in Africa 15-20; in Burma 99-101; in China 89-91; in Haiti 208-10; in Iran 148-50, 156-7; Kampala Declaration 234-7; Lima Declaration 230-3; in Malawi 33-40; monitoring x; in Palestine 170-1, 173, 175; in Peru 221-8; in South Africa 51-7, 62, 64; in Sri Lanka 109, 113-19; in Sudan 78-81; in the USA 193-4
Academy for the Development of National Groups 103
accountability 17, 51-2, 60-4
Affiliated University Colleges 115
Africanization 19, 59, 63
African Charter of Human and Peoples' Rights 53, 234
Afro-American studies 193
Ahfad University for Women 72, 83
aid 22-3, 39, 134, 189; food 23
AIDS 94, 106
Al Azhar University 161
Al Ingaz al Watani 83
Al Sharq University 85
Al-Bashir, General Omar 68
Al-Bireh 164
Al-Haq 174
al-Kanzi, Sid Ahmad 74
Al-Khartoum 85
Al-Najah National University 161, 164-5
al-Noor, Usama 83
Albania 182; language 183-8
Algeria 18
All Burma Federation of Students Unions 99
Amdo province 125, 132
Americas Watch 205
Amnesty International 69, 94, 135, 141
animism 68, 104
apartheid 45-6, 55, 64, 183, 188
Arabic language 70, 74-5, 86
Arabs 68, 143, 150-1, 162
Argentina 221
Arguedas, José María 213
Aristide, Jean Bertrand 203-4, 206, 209, 211
Armenians 141, 150-1; language 151
Ashby, Eric 57-8
Asia 19, 101
Asia Watch 94, 135
Association for Civil Rights 165
Association of Post-Secondary Teachers (APESOP) 209
Association of South East Asian Nations 94
Assyrians 141, 150-1; language 151
Atbara 85
Aung San 98
Aung San Suu Kyi 92-3, 100-1, 105
Aymara group 213
Azerbaijani Turks 141, 150-1; language 150-1
Azeris, *see* Azerbaijani Turks

B'Tselem 164, 167
Baha'is 141
Bailey, Colonel F. M. 121-2
Balaúnde, Fernando 221
Baluchis 141, 150; language 150
Banda, Innocent 36
Banda, John 41
Banda, Hastings 21-4, 27-32, 35, 37-40
Bangkok 94
Bangladesh 92, 104
Bani-Sadr, Abu al-Hassan 143, 157n
Baramki, Gabi 160
Bashir, Mohamed Omar 72
Beckett, Samuel 34
Bedri, Sheikh Babiker 83
Beijing 121, 126, 128, 134
Belgium 179-80
Belgrade 182-4
Bell, Sir Charles 124
Belmont, Ricardo 213
Bethlehem 167-8
Bethlehem University 161
Bhutan 137
Bir 138
Birzeit University 160, 164-5, 168, 171
Bissainte, Gérard 209-10
Blantyre 23, 32, 41
Blantyre Polytechnic 32
Bloom, Allan 200
Bod-jong Lob-so 130
Bophutatswana 54, 56
Bosnia 183
Botswana 26, 30, 36, 41
Brazil 221
Britain 19, 53, 104, 108, 113, 116-17, 122-3, 129, 134, 177-180, 221
Brown, Michael R. 196, 199
Buddhism 97, 102-4, 122
Bunda College of Agriculture 32, 41
Burma 92-107; academic freedom 99-101; Burma Socialist Programme Party (BSPP) 95, 97, 99, 100, 103-4; 'Cultural Revolution' 100; economy 93-4, 97; 'Education Employee Cooperative' 97; education reforms 95-7, 102-3; higher education 96-100, 103; Kachin Independence Organization (KIO) 102-3; Karen National Union (KNU) 101-2; language 102-3; National League for Democracy (NLD) 92-3, 101; primary education 96-8, 100; secondary education 96, 98, 100; State Law and Order Restoration Council (SLORC) 92-5, 97, 99, 100, 103-4; Writers' Association 99
Bush, George 195

Cairo 160
Cairo University, Khartoum Branch 71, 86
California 195
capitalism 17, 133
censorship, *see* freedom of expression, media
Central African Federation 32, 38
Centre for the Study of Human Rights 118
Chamdo 120
Chancellor College 32, 34, 36, 39, 40-2; Writers' Group 36
Changchub, Jampel 135
Chazama, George 40
Chewa group 22, 29, 31, 38
Chiang Mai 106
children, disabled 6; girls 6, 9, 29, 106; ill-treatment of 75, 135-7; killings 164; labour 28, 94; militarization 104, 106; of minorities, 6, 94, 103; prostitution 106, 112; refugees 103-4, 106, 178; rights of 1, 95-6; vulnerable 6, 94, 103
Chimango, Louis 32, 41
Chimombo, Steve 36
Chimphamba, Brown 40
Chin group/State 103
China 89-91; academic freedom 89-91; colonial policy 121; Cultural Revolution (1966-1976) 89, 124; Democracy Movement (1989) 134; 'Four Cardinal Principles' 90; language 122, 124, 127-9, 132-3, 138; Tiananmen Square 89, 91
Chiona, Peter 41
Chipasula, Frank 36
Chipasula, James 41
Chipembere, Henry 30
Chirunga Newsletter 39-40
Chirwa, Orton 38
Chirwa, Vera 25, 38
Chit Swe 100
Chizeze, Zangaphe 36
Christianity 24-6, 29-30, 68,

75-6, 83, 97, 104, 150; Dutch Reformed church 29; Free Church of Scotland 29; Jehovah's Witnesses 24-5, 41-2; Presbyterian church 26, 207; Protestant churches 207; Roman Catholic church 26, 28-9, 37, 42, 75-6; *see also* missionaries, religion
civil society 52, 61-2, 170, 203
Clark, J. P. 35
classes, bourgeoisie/middle class 17, 90, 134, 141, 153-4, 207, 213, 217, 219-20, 225; elite, *see* elitism; entrepreneurial 224; proletariat/working class 90, 141, 213, 220, 224-5; upper 217, 219-20
Clinton, Bill 195
CODESRIA 16
Colombo district 113
colonialism 15, 19, 22, 29, 31, 98, 108, 121-2, 183
Combori Sisters' School 76
Commonwealth of Independent States (CIS) 150
communism 90-1, 100, 120, 210
Confédération Nationale des Enseignants (Haiti) 209
Conference on Security and Cooperation in Europe (CSCE) 188
Conseil pour une Université Démocratique (CUD) 203
Cook, David 36
Council for Higher Education 166, 169, 172
Council for the Defence of Human Rights and Freedoms 183
Cuba 53, 206
culture, and academic freedom/autonomy 17-18; Albanian 184-5, 188; Christian 83; Arab-Islamic 82-3; and fundamentalism 18; high 17; minority 102; Nubiam 83; Tibetan 120-2, 124, 129, 133, 137; and tribalism 18
Cyrillic script 184

D'Souza, Dinesh 200
Dagon 101
Daily Pennsylvanian 199-200
Dalai Lama 120-1, 124-5, 135, 138
Damzin 133
Darfur 74
Darjeeling 124
Darwin, Charles 83
de Beauvoir, Simone 34
de Klerk, President F. W. 45, 54-61
de Vlaming, Frederiek 14n
Deir Al-Balah 163
Dekyong, Tenzin 136
Della Vecchia, Phyllis 195
Delmas 205
democracy 17-21, 28, 47, 62, 69, 85-6, 89, 91, 92-3, 99, 101, 106, 109, 134, 140, 142, 170-2, 175, 198, 203-4, 208-10, 214, 217, 219, 224-6, 234, 236
Denmark 179
detentions 24-5, 46, 53-4, 69, 81, 84-6, 87n, 88n, 94, 99, 114-15, 116, 121, 135, 141, 146, 163-5, 174, 184-6, 216
Deustua, Alejandro 220
development, in Burma 93-4; and education of human resources 63, 80-1; and Islamicization of the Sudan 73; and market forces 15; right to 52; and state 15-16, 19
Dharamsala 125, 132, 138
Dinka language 82
disappearances 25, 110, 114-15, 183, 216
discrimination, colour, 3, 193, 230; ethnic *x*, 3, 6, 9-10, 29, 48, 51, 74-6, 101-5, 108, 113, 141, 150-2, 183, 184-8, 225, 234; gender *x*, 3, 6, 9-10, 29, 52, 76-8, 105-6, 111-12, 152-7, 178, 191, 196, 198-9, 225, 230, 234; linguistic 3, 6, 9-10, 29, 122, 126-33, 138, 150-2, 184-8, 230; political 193, 200, 231; poverty, 225, 231; race 3, 6, 9-10, 48, 52, 56, 58, 63, 193, 196-9, 225, 230; religious *x*, 3, 6, 9-10, 24-5, 29, 52, 69, 73, 80-1, 104, 141, 150, 230
Dolma, Dawa 135
Dome of the Rock 168
donor agencies 16-17, 23
Drapchi prison 137
Drepung monastic university 123
drugs trade 93-4
Dubbey, John 40
Duvalier dictatorship 203, 204, 206, 208, 210, 212

Ecole-France-Persane 152
economic growth 108-9, 170
education, accessibility of *x*, 2, 8, 27, 29-31, 58, 62, 105, 111-13, 125-31, 177-9, 182, 194-5, 232; adult 4, 62, 177; compulsory 3, 8, 26, 88, 97, 111, 125, 217-8; continuing 4, 111; curricula 9, 59, 75, 161-2, 172, 174, 184, 188, 195, 208; for disadvantaged groups 6, 9-10; enrolment 8, 26-8, 59, 71, 73, 80, 89, 105, 111, 171, 191; expenditure 48, 72, 215; fees 27, 79, 132, 192, 194; free 2-3, 5, 8, 26, 31, 79, 97, 108, 111, 125, 142, 217-8, 221, 223, 226; funding 17-18, 26, 59-61, 71, 80, 116, 222, 224, 227, 236; higher, *see by country*; Islamic 26; lecturers 24, 49, 69, 77, 79-80, 84, 97, 100-1, 114, 129, 148-9, 166-8, 185-6, 193, 210, 223-4, 226; medicine 105; mission 26, 75-6, 207; moral 10; parallel 187, 189; primary, *see by country*; pupil–teacher ratio 27-8, 30, 103, 208; quality of *x*, 18-20, 29, 96-7, 117, 128, 132-4, 161, 218; relevance of 16, 18-20, 117, 231; religious 10; right of, *see under human rights*; secondary, *see by country*; standards of 20, 28, 32, 63, 80, 96, 103, 125, 130, 172, 226, 235, 237; teachers 2, 9, 24, 30, 69, 74, 77, 84, 97, 100-1, 105, 123-5, 128, 135-8, 166, 172-3, 184-5, 187-8, 203, 205, 207; technological 105, 127, 137; universal, 8, 26; vocational 2, 71, 126-7, 137, 153
Education Development and Resource Centre 132
Educational Network 163, 172
Egypt 75-6, 161, 172, 174
Ehrenreich, Barbara 198
'Eid, Hazem 165
Einstein, Alfred 90
elitism 16, 29, 96, 109, 112-13, 198, 206, 220, 224-5
employment 178-80, 215; *see also* unemployment
Engels, Friedrich 90
English language 31, 75, 96, 102, 113, 127, 129, 130, 137
environment 17, 23, 46, 53, 56,
'ethnic cleansing' 183, 188-9
ethnicity *see discrimination, ethnic*
Europe 209; Eurocentricity 59; Western 177-81
European Union 180, 188
Evin prison 144
Expression Supplement 39

Fédération des Etudiants Haitiens 209
Fédération Nationale des Etudiants (FENEH) 203, 210
Ford Foundation 17

Forster, E. M. 35
France 19, 49, 146, 179-80
freedom, of assembly 46, 69, 84, 95; of association 46, 52, 54, 56, 69, 84-5, 114, 172, 210-11, 226-8, 232, 235; of conscience 52, 56; of expression *x*, 21, 46, 52, 54, 56-7, 69, 79, 81, 85, 95, 114, 140-1, 161, 166, 171, 173-4, 197-201, 210-11, 226-8, 232, 235; ideology of, 16-17; of movement 46, 168, 237, 239; of opinion, *x*, 56, 79, 81; of political participation 69; of religion, 52, 56; of thought, *x*, 79, 81, 166, 226,
Friends School 162-3
Fujimori, Albert 213-14, 222

Gaillard, Roger 209, 212
Ganden monastic university 123-4, 129
Gansu 121
Garcia, Alan 216, 222
Gaza 160-73
Gaza Islamic University 161, 165
General Union of Sudanese Students (GUSS) 86
genocide 120-1
Germany 51, 178-9
Ghazawi, Izzat 164
Ghazawi, Rami Izzat 164
Gondwe, Chifipa 41
Graham, Robin 38
Greece 181n
green revolution 35
Greene, Graham 34
Gutsa prison 136
Gyalpo, Pema 125
Gyantse 123-4, 126
Gyatso, Sherab 132

Haiti 203-12; academic freedom 208-10; economic embargo 205; Governors' Island Accord 204; higher education 208-12; Le Front Révolutionaire pour l'Avancement et le Progrès 204; National Pedagogical Institute 206; primary education 203, 207-8; Reconciliation Conference 205; secondary education 203, 207-8; university autonomy 208-9, 211-12
Haitian Refugee Centre 205
Haitian State University (UEH) 208-11
Haram Al-Sharif 168
Harris, Townsend 192
Harvard University 192
health 24, 46, 53, 62, 106, 108, 137, 215
Hebron 161, 163, 165, 167, 170; massacre 163, 170
Hebron prison 165
Hebron University 161
Hemingway, Ernest 34
Hentoff, Nat 198
Himaida, Mamoun 85
Hindus 76
Hines, Edward R. 194
Houze schools 146, 147, 149
Hu Jintao 133-4
human rights, in Burma, 93-5; in China, 91; education as *x-xi*, 1-14, 15-16, 25-9, 46, 53, 56, 73-8, 96-7, 111-12, 118-19, 125, 160, 170, 173, 178, 211, 219-20, 230-3, 234-7; International Human Rights Day 47; in Malawi, 22-5; in Peru 215-17; in South Africa 45-7; in Sudan 68-9; 72, 78-9; Universal Declaration of 1, 53, 135, 165, 230, 234; violations *xi*, 7, 69, 86, 94, 103, 109-10, 114, 118, 121, 134-7, 141, 160, 163-5, 174-5, 183, 189, 215-17, 237
Humos, Naim Abu 172
Hurbon, Laenec 211
Hurouf 82

Ibrahim, Farouq Mohammad 83
Illinois State University 194
Independent Students' Union (ISU) 115
India 92, 104-5, 121, 125, 137-8
Indian Peace Keeping Force (IPKF) 109
Indo-Sri Lanka Peace Accord 109-10
Insein Jail 99
Institute of Music and Drama 84
Institute of Public Administration 32
Instruction Law of 1920 220
intellectuals 15, 18, 89, 98, 153
Inter-University Students' Federation (IUS) 115
Interamerican Human Rights Commission (CIDH) 205
International Assessment of Educational Progress 161
International Commission of Jurists (ICJ) 120, 174
International Institute for Education Planning (IIEP) 72-3
International Monetary Fund (IMF) *x*, 5, 109, 213-14
investment 5, 8-10, 16, 80, 103, 134, 140, 156
Iran 140-59, academic freedom 148-50, 156-7; Council of Guardians 140; Cultural Heritage Organization 155; economy 140-2, 153, 156; higher education 141-6; 153-7; Islamic Cultural Revolution 142-9; Islamic Republic Party 143, 147, 157n; *maktabi* faction 147-8, 158n; National Defence Council 140; 'New Opening' 144; Persianization 150-1; primary education 152-3; Revolutionary Guards 140, 144; SAVAK 146; secondary education 142, 153; University Crusade 147; war with Iraq 145
Iraq 145, 150
Ireland 181n
Isfahan 142
Islam 18, 26, 30-1, 68-88, 104-5, 140-59, 171; education of Muslims 30-1, 70; Fundamentalism 18, 171; in Iran 140-59; schools, 26, 31; Shari'a Law 68-9, 76-7, 84, 87n; Shiites 141; in Sudan 68-88; Sufism 70; Sunnis 141
Islamic Student Association 145, 147
Israel 160-76
Italy 178, 180-1

Jaffna 109, 113, 115, 118
Jalazoun refugee camp 163
Jamyangling, Sonam, 134
Japan 49
Jathika Chinthanaya 115
Jenin 167
Jericho 160
Jerusalem University 161
Jerusalem 167-8, 170, 172-4
Jeune Clarté 208
Jews 141, 150-1
Johannesburg 46
Jomtien Declaration 95 , 104, 111
Jordan 161, 172, 174
Jordanian National Centre for Educational Research and Development 161
Juba 74, 80, 86
Juba University 80-1

Kachin group/State 102-3
Kadzamira, Cecilia 22, 39-40
Kadzamira, Z. D. 40
Kamal Ataturk 153
Kampala Declaration 15, 234-7
Kamuzu Academy 27-9
Karen group/State 101-5
Karenni group/State 104-5
Kasala 85
Katundu, Chilimira 34-5

Kayira, Legson 36
Kenya 35
Kerr, Clark 61
Kerr, David 35
Kham 120, 125, 132, 134
Khan Yunis 163
Khartoum 70-1, 74-6, 83
Khartoum Arabic Language Institute 82
Khartoum University 79-80, 71, 77, 79-85
Khartoum University Press 82
Khartoum University Students Union 85
Khin Maung Tint 100
Khin Nyunt, Lt-General 97
Khomeini, Ayatollah 143
killings, political 25, 45, 53, 69, 84, 86, 99, 104, 110, 114-15, 121, 135, 141, 146, 164, 183, 204-5, 216, 226
Kimball, Roger 200
King, Martin Luther 199
Komite pou Lit Etidyan (KILE) 203, 210
Konje, Thoza 31
Kordofan 74
Kosova Polje, battle of 182
Kosova 182-90; Albanians 182-3, 188; higher education 184-9; primary education 184, 187, 189; secondary education 184, 186-7, 189; 'Serbianization' 183-5
Kurds 141, 143, 150; language 150-1
Kyaw Myo Thant 99
Kyizom, Dawa 135

L'Institut des Hautes Etudes Internationales 211
L'Université pour la Démocracie 210
labour, child 28, 94, 112; and education in Malawi 25-6, 28; forced 22, 31, 46, 95; market 109, 179, 213;
Lashio College 103
Latin America 19
Lazerson, Marvin 199
Lebanon 166
Lewis, Jon 54
Lhasa 120, 122-4, 129-30, 133-7; English School 124
Lilongwe 32
Lima 220, 222, 225, 230-5
Lima Declaration x-xi, 191, 194, 196, 211, 230-3
literacy 4-6, 26, 48, 111, 126, 131, 141, 152, 161, 217-18, 220-21
Little Red Book 122
Livingstonia 29
Llosa, Mario Vargas 213
Ludlow, Frank 124

Luttwak, E. L. 122

Ma'an 163
Machila, Blaise 37
Mahmoud, Sharaf Eldin Yassin 82, 88n
Mahmoud, Ushari Ahmad 82
Mahshi, Khalil 162-3
Malamulo Hospital 39
Malary, Guy 204
Malawi 21-44, academic freedom 33-40; Cabinet Crisis (1964) 30, 38; Censorship Board 33-5, 37, 39; Central Region, 23, 29-30, 32; Chitukuko Cha Amai mu Malawi (CCAM) 22, 39; Civil Liberties Committee 43; economy 22-4; Education Development Plan (1985) 26; elections (1994) 21, 25, 39; higher education 32-43; Malawi Congress Party (MCP) 21, 24-5, 31, 34, 41-2; Malawi Women's League 38; Malawi Young Pioneers 21, 41-2; Northern Region 23, 29-32, 41; Nyau cult 25; Presidential Council 22; primary education 26-7, 29; reform 23-4; refugees 24; secondary education 25-30, and South Africa 22; Southern Region 23-4, 29-32; university autonomy 40-3; women in 22, 29-30, 37
Malawi College of Distance Education 27
Malval, Robert 204-5, 211
Mamdani, Mahmood 63
Mandalay 93
Mandela, Nelson 45, 51, 54, 61
Mangochi District 29, 31
Mapanje, Jack 35-7
Marj-Al-Zuhur University 166
market 15-18, 61, 79, 108
Marxism 33, 59, 90, 133-4, 193
Mashhad 142
Mazunda, Ishmael 39
media, books 33-7, 54, 81, 83, 102, 141, 151, 172, 183; broadcasting 31, 81, 120, 151, 183; film 33; journals 33, 37-40, 81, 102, 122, 183, 208; 183; mass 69, 82; press 24, 31, 33, 38, 69, 81, 102, 110, 151, 183, 193, 199-200, 203, 210; theatre 33-5; wall newspapers 85
Medical College (Sri Lanka) 112
Meharry Medical College 35
Mexico 209, 221
Middle East Watch 146

Migmar 136
migration 93, 141
Mikuyu prison 36-7
Miami 204
Min Ko Naing 99
minorities, black 191, 193-4, 196-9; ethnic 6, 92-3, 101-5, 134, 141-3, 150-2; religious 6, 104-5, 141, 150; linguistic 6; white 213
Mirsky, Jonathan 134-5
missionaries 26, 75-6, 152, 207
Mkandawire, Donton 30
Mnthali, Felix 35-6
Mohammed, Nur al Huda 82
Mon language 102-3
Mongolia/Inner 125
Moni, 37
Monitor, The 38
Montenegrins 182
Mount Hermon School 124
Mount Ida College 199
Moyano, Maria Elena 216
Mozambique 22, 24
Mpemba 32
Mphande, Lupenga 36
Msonthi, John 41
Mtafu, George 41
Mtegha, Allan 41
Mtegha, Michael 33
Mtwa, Percy 34
Mugabe, Robert 51
Mulanje 28
multiculturalism 188-9, 194, 198, 200
Museum of Islamic Art 168
Muslim Student Associations (Iran) 147
Muslim Students of the Party of God (Iran) 145, 147
Mwanza, Peter 41
Myanmar, *see* Burma
Myitkyina College 103

Nablus 164, 167
Nai Keythara 102
Nai Manawchrod 102
Nai Nawn Dho 102
Naim Frashëri 187
Narong Shar School 123
National Assembly of Rectors 222
National Council of Peruvian Universities 221-2
National Intelligence Service (NIS) 217
National Organization of Iranian Academics 148
National Society of Iranian Academics (NSIA) 148
nationalism 15, 18, 38, 63, 98, 171, 188
Ne Win, General 92, 96-8, 105
Nepal 137
Nerette, Joseph 205

Netherlands 178-80
New York, City College system 192
Newton, Isaac 90
Ngema, Mbongeni 34
Ni Ni Myint 105
Nigeria 15
Nile River 72
Nimeiri, President 81
Nixon Doctrine 153
Nkhoma 29
nongovernmental organizations (NGOs) 7-8, 11-12, 17, 177-9
North America 49
North Okkalapa 100
Nqumayo, Albert Muwalo 34
Nubian civilization 93
Nubian language 82
Nyanja language 31
Nyasaland 32; *see also* Malawi
Nzunda, Matembo 37

O'Malley, Father Patrick 42
Obeid 86
Odi 38
Ohio University 197
Omar, Ibrahim Ahmed 77
Omdurman 72
Omdurman Ahliyah University 72, 78
Omotoso, Kole 34-5
Open University (Palestine) 161
Open University (Sri Lanka) 112
Oregon 195
Organization of American States (OAS) 205-6, 211, 214
Orwell, George 34, 201

Pahlavi monarchy 140, 142-3, 151-2
Pakistan 150
Palestine 160-76; academic freedom 170-1, 173, 175; Declaration of Principles (1993) 160, 165-6, 172-3; Gaza–Jericho Accord (1994) 160, 171-2; higher education 160-1, 164-8, 172; intifada 164, 171; Occupied Territories 160-2, 164, 166-8, 172; Palestine Liberation Organization (PLO) 160, 171; primary education 162-3,, 168; secondary education 162-3, 168
Panchen Lama 128
Pan-Africanism 16
Pavlik, Gregory 199
p'Bitek, Okot 35
Peking, *see* Beijing
Perry, Richard 198
Persian Gulf 153
Persians 141, 150; language 141, 150, 152
Peru 213-29; academic freedom 221-6; Acción Popular 224; Alianza Popular Revolucionaria Americana (APRA) 213, 224; Communist Party 224; Democracia Cristiana 224; Democratic Constitutional Congress (DCC) 214; Democratic National Front 219; economy 213-15; Fund for University Development (FEDU) 222; higher education 218, 220-6; Nueva Izquierda 224; primary education 217-21; secondary education 217-21; Social Progresismo 224
Phaunggyi 100
Pinney, Ted 42
Plato 200
pluralism 82, 188-9, 210
political correctness 194, 200
population23-4, 27, 32, 47, 68, 94, 102, 108, 141, 152
Port Sudan 73-4
Port-au-Prince 205, 210
Portugal 19, 180, 181n
poverty 6, 97, 105-6, 109, 112, 215, 234
Prishtina 182-3
Private Medical College (Sri Lanka) 110, 115
privatization 109, 113, 115, 140
prostitution 106, 112
Puerto Rica 196, 196

Qajar state 152
Qinghai 121
Quechuan group (Peru) 213
Queen Elizabeth Hospital 41
Quran 70-2, 77, 83, 144

Raadi-Azarakhchi, Soussan 13n
racism 197, 121, 179, 198-9
Rafah 163
Rakhine group/State (Burma) 99, 114-5
Ramallah 162
Rangoon 93, 98-9, 101, 103
Ratliff, Charles A. 195
Reagan, Ronald 195
Red Sea 73
refugees 24, 93, 105, 124-5, 137-8, 177-81; women 178
relocation 70, 75, 95, 205-6, 216
religion 1, 122, 134; *see also individual religions and* discrimination, religious
research 11, 16-17, 48, 50, 89, 186, 227-8
Reza Shah 150-1, 153
Rhodes University 63
Richardson, Hugh 123
Richardson, Bill 93, 99
Rinpoche, Akong 134
Roche, Monsignor John 42
Rockefeller Foundation 17
Romanies 182
Rosovsky, Henry 192
Roy, Raymond 204
Rubadiri, David 36
Ruganda, John 34
Rugby School 124
Rushdie, Salman 141

Sagaing Division 103
Sahl, Bashir Jum'a 82
Salem College 195
Salih, Ali Osman 83
Sandifolo, Kamchedzera 34
Saw Maung, General 92
Saudi Arabia 81
Scotland 134
Sera monastic university 123-4, 129
Serbs 182; language 184-5
Setlogelo Technikon 55
sexism 198
Shah, the 146-7, 149, 151, 153
Shan State 103, 106
Shining Path 215-6, 226
Shiraz 142
Shumba, Mupa 41
Shuqayr, Na'um 82
Sichuan 121
Simon, Barney 34
Sinhala language 108, 111
Sinhala-Buddhist group 108
Sisulu, Walter 61
Soche Hill Training College 32
socialism 90, 92, 96, 103, 133
Solzhenitsyn, Alexander 134
South Africa 45-67; academic boycott 54; academic freedom 51-7, 62, 64; Advisory Committee for Universities and Technikons 59; affirmative action 58; African National Congress (ANC) 45-6, 52, 54, 56; Akademie vir Kuns en Wetenskap 62; Bantu Education 45, 51; Bill of Rights 46, 52, 56; Broederbond 62; Commission on Gender Issues and Restitution of Land Rights 46, 58; Congress for a Democratic South Africa (CODESA) 46; economy 45-7, 50; education system 47-51; elections (1994) 46; Foundation for Research Development 58; higher education 45, 48-51, 53, 57, 59,

61-3, 'homelands' 54, 56, 58; Human Rights Commission 46; National Commission on Higher Education 64; National Party 45, 51; primary education 48, 62; Reconstruction and Development Programme 62; secondary education 48; Union of Democratic University Staff Associations (UDUSA) 54, 56-7; Van Wyk De Vries Commission (1968-74) 51
Southern Rhodesia 32; *see also* Zimbabwe
Soviet Union 34, 36, 53, 150
Soweto, 1976 uprisings 45
Soyinka, Wole 34
Spain 178-9
Sri Lanka 108-19, academic freedom 109, 113-19; censorship 110, 114; civil war 109-10; East 109-10; economy 108-9; higher education 108, 111-13; Human Rights Task Force 110, 118; Liberation Tigers of Tamil Ealam (LTTE) 109-10, 115; National Council for Higher Education (NCHE) 116; National Education Commission 111; North 109-10, 113-15; Patriotic People's Movement (DJV) 110, People's Liberation Front (Janatha Vimukthi Peramuna - JVP) 109-10, 114; primary education 111; secondary education 111-13; South 110, 114-15; university autonomy 116-17, 119; University Grants Commission (UGC) 117
St Joseph's School 124
Stanford University 200
state, and development 15-16, 19; and education 15-16, 18-19, 58-9, 96; and industry 140; and media 81; in Kampala Declaration 236
Steward, James 36
structural adjustment policies x, 16, 26, 109, 213-15, 236
Student Press Law Center 199
Students for Human Rights 115
Sudan 68-88; academic freedom 78-81; *ahliyah* private universities 71, 78; Blue Nile province 73; *Buyout al-Noor* ('female repentant camps') 76-7; Call to Islam campaign 72; Catholic Mission schools 75-6; civil war 68, 74; eastern 85; 'education revolution' programme 72, 78, 80; education system 70-3; Egyptian schools 75-6; Equatoria area 73; higher education 62-3, 71-3 78-81, 84; 'Islamic Cultural Indigenization' 83; Islamization 73, 75, 79, 81-4, 86; 'Islamization of Art' programme 84; 'Islamization of Knowledge' project 82; *khalwa* 70-1; National Council for Higher Education 78; National Islamic Front (NIF) 68-9, 72, 74-8, 83, 85; National Salvation Revolution (NSR) 69-86; North 68, 70, 75, 81; primary education 71, 73-5; Red Sea province 73-4; Revolution Command Council for National Salvation (RCC) 68, 69; secondary education 71, 73-5; South 68, 70-1, 73-6, 80-1; Student Support Fund 80, 85; *suhuf al-hait* 85; Umma Party 81; university autonomy 78-81; western 71, 76
Sudan Human Rights Organization 72
Sweden 37, 134

Tabriz 142
Tabriz University 151
Tambo, Oliver 51, 61
Tarner Institute for Community Education 161
Tamil group 108-11, 113; language 111
Teachers' University 153
Tehran 141-2, 152
Tehran University 143, 145-7, 151, 153
Tembo, John 22, 29, 40-1
terrorism 204, 213, 216, 226-7
Thailand 92, 94, 97, 106
Than Shwe, General 92
Thatcher, Margaret 60
Third World 53
Thrift, Julianne Still 195
Thyolo 28
Tiananmen Square 89
Tiberias, Lake 168
Tibet 120-39; Sinicization 121-3, 132; Chinese Cultural Revolution 124; Chinese invasion 120, 123; eastern 120-1; exiles 121, 137-8; *General Survey of Tibet* (1988) 126; higher education 123, 125-7, 129-31; International Consultation on Tibet (1990) 121; primary education 126-8, 131-2; secondary education 131; Socialist Schools 124
Tibet Information Network (TIN) 135-6
Tibetan Children Village (TCV) 125, 138
Tibetan language 122, 127-30, 132-3
Tikhanov, A. 13n
Tirana 183
Tito, Marshal 184
torture 46, 69, 79, 81, 84, 86, 87n, 88n, 94, 99, 110, 121, 135-6, 141, 163-5, 184-6, 216
trade unions 17, 45, 53, 56-7, 62, 68-9, 84, 114, 173, 187, 238
Tsering, Lkakpa 137
Tsering, Yulo Dawa 135
Tulkarem 167
Tumbuka group 29, 31
Tupac Amaru Revolutionary Movement (MRTA) 216
Turkey 153; language 185
Turkmans 141, 143, 150; language 150
Turks 140-1, 150-1, 182

U Ba Thaw (Maung Thawka) 99
U Maung Ko 99, 104
U Nu 98
U Oo Tha Htun 99
U Thant, UN Secretary-General 98
Udusa News 54
Uganda 86
unemployment 30, 47, 109, 113, 179-80, 215
United Nations (UN) and Burma 93-6; Committee on Economic, Social and Cultural Rights 2-7, 11; Committee on the Rights of the Child 12, 13-14n, Convention on the Elimination of All Forms of Discrimination Against Women 1; Convention on the Rights of the Child 1, 12, 95, 111, 125; Declaration on the Right to Development (1986) 53; and Haiti 206, 211; Human Rights Commission 7, 12, 46-7, 94; International Convention on the Elimination of All Forms of Racial Discrimination 1; International Covenant on Economic, Social and Cultural Rights 1-11, 230; International Human Rights Day 47; International

Labour Organization 72; at Kampala symposium 16; and Peru, 215; Special Rapporteur on Human Rights 94; Special Rapporteur in the Sudan 69-70; UN Children's Fund (UNICEF) 94, 106, 161; UN Development Programme (UNDP) 95; UN Economic and Social Council 12; UN Educational, Scientific and Cultural Organization (UNESCO) 72-3, 95, 230; Universal Declaration of Human Rights (1948) 1, 53, 135, 165, 230, 232, 237
Union des Etudiants Haitiens (UNEH) 208
United Kingdom, *see* Britain
United States of America (USA) 35, 53, 121, 125, 146, 152-3, 191-202, 204, 209, 214; academic freedom 193-4; black colleges 191; civil rights movement 191; community colleges 191, 195; economy 194, 201; higher education 191-5, 200-1; Latino students in 196; Mexican-American students in 196; missionaries 152; Puerto Rican students in 196; secondary education 191, 195
Universidad Agraria de Lima 227
Universidad Católica (Lima and Villarreal) 227
Universidad Nacional de Educación La Cantuta 217
Universidad Particular de Lima 227
university autonomy, in Africa 15-16, 19-20; 'essential ingredients' 57-8; in Haiti 208-9, 211-12; in Iran 146-8; Kampala Declaration 234-7; Lima Declaration 230-3; in Malawi 40-3; and nationalism 15-16; in Peru 221, 226; in South Africa 51-2, 55, 57-60, 63-4; in Sri Lanka 116-7, 119; in Sudan 78-81
University College, Salisbury 32
University College (Sri Lanka) 112
University of Bophuthatswana (Unibo) 54-5
University of Botswana 36, 41
University of California 195
University of Cape Town 61
University of Ceylon 113
University of Chicago 200
University of Colombo 115, 118
University of Dakar 15
University of Distance Learning (Burma) 99
University of Fort Hare 51, 61
University of Islamic Sciences 72
University of Kosova 185-6, 188
University of London 38, 112
University of Malawi 32, 35, 42-3
University of Mandalay 98
University of Massachusetts 197
University of Michigan 197
University of Mississippi 197
University of Moulmein 98
University of Pennsylvania 199
University of Prishtina 186
University of Quisqueya 211
University of Rangoon 98, 100-2, 105
University of Science and Technology (Sudan) 84
University of South Africa 48, 64
University of Stellenbosch 59
University of the Holy Quran 72
University of the Orange Free State 63
University of the Western Cape 61
University of the Witwatersrand (Wits) 55, 63
University of Tibet 124, 129-30, 137
University of Turfloop 61
University of Venda 61
University of Zimbabwe 37
University Teachers for Human Rights 114-15, 118
UNWRA 161, 166-7, 169
urbanization, 26, 141
Urumiya 152
Vail, Leroy 38
Vanguard 37, 39
Vietnam 193
Villa El Salvador 216
Villarán, Manuel Vicente 220
Vista University 48, 57
Wadi al-Nil (Nile Valley) University 85
Wales, Prince of, 35
Washington 160
Webster, David 46
West Bank 161, 173
West, the 22-3, 84, 94, 152
White, Landeg 37-8
Whiteley, Wilfred 38
Win Thein 100
women, affirmative action 62; donors' agenda 17; education of, 6, 9, 29; dress restrictions 37; in Burma 105-6; in Iran 143-4, 148, 152-6, 159n; in Palestine 171; in Peru 225; in Malawi 22, 29-30, 37; in South Africa 49, 62; refugees 178; in Sudan 71-2, 76-8, 83; teachers 30; in United States 191, 196, in universities, 49, 71-2, 83, 105, 112, 142, 148, 153-7, 171, 191, 196, 225; *see also* discrimination, gender
Williams, Patricia, 198
World Bank, x, 5, 16, 23, 26, 29, 109, 162, 214
World Conference on Education for All 95
World Declaration on Education for All, *see* Jomtien Declaration
World Declaration on the Survival, Protection and Development of Children (1990) 111
World University Service (WUS), Academic Freedom report (1990) 45; and UN Human Rights Commission 12; United Kingdom 177; *see also* Lima Declaration
World War II 191

Xiaoping, Deng 136

Yao group 29-30
Yokota, Professor 94
Yonten, Lobsang 136
Yugoslavia 182
Yumbulagang 122
Yunnan 121

Zafè Elèv Lekòl (ZEL) 203
Zambia 26
Zangpo, Jigme 136
Zaw Min 100
Zedong, Mao 90, 122, 136
Zimbabwe 26, 35, 37, 51
Zola, Émile 33-4
Zomba 31-2, 36
Zomba Central Prison 36
Zoroastrians 141