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The Nigerian Scholar

The Newsletter of the Academic Staff of Nigerian Universities — No.1 October 1997

EDITORIAL

The idea of the "The Nigerian Scholar", as a bulletin of The Academic Staff of Nigerian Universities arose from some of the lessons we believe the Nigerian academic community needs to learn concerning our recent, and persisting experience. Right before our very eyes the institutions to which we have committed our lives and labour are being ravaged by forces both internal and external. In the determined effort of the Nigerian power elite and the military oligarchy to restructure the civil society into a more pliant and submissive clientele, the demand for the Nigerian intellectual community to re-assert its voice and identity has never been more urgent. In the face of pervasive kleptocracy, virtual collapse of national infrastructure, deepening poverty, and the systematic institutionalisation of a neo-fascist state, the Nigerian scholarly community must address, with a firm and independent voice, the crises facing our country and our primary constituency: the educational system in Nigeria. Concerning the latter, our editorial policy is not about the University system, *per se.* Anyone with the most minimal and perceptive experience of teaching at the University level knows that the quality of the students you get at that level depends as much on the intellect of the individual student, as it does on the state of the primary and secondary educational systems.

However, and understandably so, this maiden edition will address issues concerning University teachers and the health of our community. The first story reproduces the press statement issued by Dr. Assisi Asobie on 21 August 1997, the anniversary of the purported 'banning' of ASUU. It was time to get everything out in the open. And the press release is a document that we think every member of ASUU and the public should have. It gives a detailed account of the framework for the suspension of the 1996 Strike and the meetings and commitments that followed from the government's side. One year later, we know just how unreliable many of those commitments have turned out to be. But that is only an aspect of the matter. Within the editorial collective, we think there is a more salient, more important lesson. And it concerns the mood of many of our colleagues. Rather than 1996 being a point of defeat, the reality is that we might not have secured much of what we were asking for, but the military did not get much of what they wanted either. If there was the feeling that the government could do "a NUPENG one on ASUU" it failed woefully. As one of their principal personnel said in September 1996, the ASUU situation turned out to be considerably different from the NUPENG [illegible]perience. For all its worth, and after seven months of starvation and a most bruising encounter, the community from campus to campus continues to demonstrate that they are not about disappearing.

The second story is a reproduction of a 1964 article by Prof. H. Oluwasanmi, a professor of Agricultural Economics at University of Ibadan, and later Vice Chancellor of University of Ife. The issues raised in that article, 33 years ago, remain fresh. Its inclusion in this maiden edition is the understanding that anti-intellectual scholarship is not a new phenomenon. There have been and always will be academics willing to play Poodle to every shade of anti-intellectual regime. The fight for academic freedom and university autonomy must be perennial: vigilance and the determination to fight are the prices we pay for the vitality of our community. It is also important to pick the lesson for the current situation. The Nigerian scholarly community will outlive every shade of neo-fascistic shenanigan and regime. When the current nightmare passes, when the present tormentors of our national life and our people must have been confined to the refuse heap of history, the Nigerian scholarly community and our people will remain strong and rejuvenated. But it requires that, as in the case of Prof. Oluwasanmi, we must NEVER tire of speaking out, we must never tire of a determined struggle for the soul of our community.

The remaining stories cover titbits, news items, and so on. The most important of this concerns the supremacy of the African Charter of Human and People's Rights. That supremacy was re-affirmed, if ever there was a doubt, in the courageous ruling of the Court of Appeal in the Fawehinmi vs. Abacha case. The supremacy of the Charter guarantees our rights to organise freely, our freedom of speech, and our freedom of lawful assembly. Decrees that abridge these rights are, *ab initio*, null and void. In therefore reasserting our rights to organise within our communities, to speak in defence of our community, and use every peaceful means to defend it, we are asserting our rights recognised and guaranteed under the Nigerian and international law. But the price for doing so is another thing entirely, and good gracious, it is a small price to pay. It is a small one indeed, because the future of our community is too important to give up to rampaging usurpers of power and their lackeys within our community. The health and vitality of the Nigerian people are too important to give up, because of the fear of those who will call at the dead of the night. This nightmare will pass, and history will remain on the side of those who perceive the truth and are not scared of asserting it. The Editorial Collective welcome all points of view, but we expect contributors to make their viewpoint in the highest tradition of scholarship and respect for others. We reserve the right not to publish an article that will inflame religious, ethnic, gender or racial hostility and violence. This, however, is not the same thing as articles that articulate and challenge discrimination along those lines. Challenging gender, racial, ethnic or religious discrimination and oppression is central to our mission statement. The Editorial Collective welcome your articles in form of comments, opinions, and think-pieces. All articles should be addressed to:

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The Nigerian Scholar,
Flat 7 Mellanby Hall, University of Ibadan, Ibadan, Nigeria. The Editorial Collective.

CONTENTS

Editorial	1
From the President	2
In Defence of True Academics	4-5
On Ouster Clauses in Decrees	6-7
News Flash	8

Corporation vs L. & N. W. Railway (1905) A C 426; *Ridge vs Baldwin* (1964) A.C., 40 and *Koncarelli vs Duplessis* (1959) 16 D.C.R. (2nd) 659.

He said further that in such matters involving the ordinary laws, the courts in this country have the jurisdiction to examine in appropriate cases how discretionary powers are exercised and that it is part of the administrative law which frown at abuse or misuse of power.

But he noted that in Nigeria, there are provisions in Decrees such as No. 2 of 1984 which empower the executive to detain people without trial and that usually, no reasons are given by the detaining authority as to how a detainee constitutes menace or threat to the State.

Citing *Lakwot vs Judicial Tribunal* (1993) 2 WLR (Part 2760 410 at 447 and *Okeke vs A. G. Anambra State* (1992) 1 NWLR (Part 215) 60 at 86, per Uwaifo, J.C.A., he resolved the issues against the appellant.

On the last issue which is concerned with the question of the appellant was under detention before the detention order was issued, his lordship said any matter arising from the circumstances of such detention is one that can be appropriately decided after a full trial.

He held that the appeal particularly succeeded and remitted the case back to the trial court to consider the issue of the consequences of the detention for the four days of the appellant which was apparently not covered by the order.

He made no order as to costs.

- *Rotimi Jacobs Esq., with him N. Mechina, E. Adegboruwa and Uzo Unwukwe, for the Appellant.*

- *Respondents absent and not represented.*

News Flash

"Professor A.A.M. Salau,
Department of Physics,
Obafemi Awolowo University,
Ile-Ife.
Dear Professor Salau,

"Sole Administrator" and the University System:

The academic Staff of Obafemi Awolowo University, (ASOAU) Ile-Ife at its meeting of July 9, 1997 discussed in general the spate of appointment of "Sole Administrator" in the Nigerian University system and your appointment as "Sole Administrator" of Ladoke Akintola University of Technology, LAUTECH, Ogbomosho, in particular.

As a member of the Academic Community at OAU, your immediate constituency, it was decided that you should be informed about the views held by your colleagues here at OAU, and that of the body of academics (ASNU) on the question of Sole Administrator and the consequences for the Nigerian University System.

The following are the observations/comments made by members:

1. There is no provision for Sole Administrators in the statutes and Laws setting up our Universities , LAUTHECH inclusive.
2. It is the duty of every academic staff to resist subversion of our laws and statutes by rejecting the offer of the position of Sole Administrator and by joining hands with other academics to resist the imposition of this scourge on our Universities.
3. The appointment of Sole Administrators to run our Universities can only impact negatively on the ideals and culture of the University as it kills the idea of academic freedom and University autonomy, does not contribute to the development or sustenance of University culture; encourages the militarization of our Universities; does not contribute to creating a conducive environment for scholarship and Youth development.
4. Given the advanced stage which the selection/appointment process has reached at LAUTECH, i.e. the nomination of 3 people to the Visitors of the University, no academic Staff of any Nigerian University should have accepted to be Sole Administrator of the Institution.
5. By your accepting this position you are violating the laws of LAUTECH and aiding the enemies of the University system to destroy academic culture in our Country. In addition your action constitutes an embarrassment to the Nigerian Academic community.
6. The Branch feels strongly about this issue and calls on you to reconsider your position by resigning your appointment as Sole Administrator of LAUTECH. By doing this you will be contributing immensely to attempts to revamp the Nigerian University System and help to stop its slide to total collapse.

We look forward to hearing from you.
Thank you

Idowu Awopetu
For and on behalf of ASOAU.